

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7141

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSEPH WAYNE CLONTZ,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Richard L. Voorhees, Chief District Judge. (CR-91-82-V-A, CA-96-70-1-V)

Submitted: August 13, 1998

Decided: August 28, 1998

Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Joseph Wayne Clontz, Appellant Pro Se. Jerry Wayne Miller, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998). We have reviewed the record and the district court's opinion and find no reversible error. Appellant's actions were sufficient to support his guilty plea to a violation of 18 U.S.C. § 924(c) (1994). See Bailey v. United States, 516 U.S. 137, 146 (1995). Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process. Appellant's motion to expedite is hereby denied as moot.

DISMISSED