

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7152

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIAM DANIELS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CR-93-130-BO, CA-97-227-5-BO)

Submitted: July 22, 1998

Decided: July 31, 1998

Before ERVIN, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Daniels, Appellant Pro Se. Robert Edward Skiver, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William Daniels appeals the district court's order granting the Government's motion for summary judgment in his 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998) action. We have reviewed the record and the district court's opinion and find no reversible error. Although the district court failed to provide Daniels notice of the Government's motion for summary judgment and a warning that failure to file opposing affidavits could result in summary judgment for the moving party, as required under Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975), we find that, under the circumstances, such error was harmless. 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.

DISMISSED