

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 97-7162**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JESSE EDWARD CAUDILL,

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CR-93-21, CA-97-525-R)

---

Submitted: October 10, 1997

Decided: November 12, 1997

---

Before WILLIAMS and MICHAEL, Circuit Judges and BUTZNER, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Jesse Edward Caudill, Appellant Pro Se. Steven Randall Ramseyer, OFFICE OF THE UNITED STATES ATTORNEY, Abingdon, Virginia, 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Unpublished opinions are not binding precedent in this circuit.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. 1997). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Caudill, No. CR-93-21; CA-97-525-R (W.D. Va. Aug. 5, 1997). Our decision intimates nothing about the retroactivity of the one-year limitations period imposed by the Antiterrorism and Effective Death Penalty Act of 1996, of 28 U.S.C.A. § 2255 (West Supp. 1997), since Appellant filed this action over one year after the effective date of the statute. 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