

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7180

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BERNARD MIDDLETON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Chief District Judge. (CR-92-348-A, CA-96-1097-AM)

Submitted: June 18, 1998

Decided: August 7, 1998

Before MURNAGHAN and WILKINS, Circuit Judges and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Bernard Middleton, Appellant Pro Se. James L. Trump, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order declining to grant relief under Fed. R. Civ. P. 60(b) from the court's order denying relief on Appellant's motion under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998) . We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss on the reasoning of the district court. United States v. Middleton, Nos. CR-92-348-A; CA-96-1097-AM (E.D. Va. June 9, 1997). We deny Middleton's motion for release pending review of the appeal as moot and 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