

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7360

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL LOVELL HINTON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CR-89-434-S, CA-97-2900-S)

Submitted: April 16, 1998

Decided: April 20, 1998

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

Dismissed by unpublished per curiam opinion.

Michael Lovell Hinton, Appellant Pro Se. Harvey Ellis Eisenberg, Assistant United States Attorney, Baltimore, Maryland, 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Unpublished opinions are not binding precedent in this circuit.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, although we grant leave to proceed in forma pauperis, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Hinton, Nos. CR-89-434-S; CA-97-2900-S (D. Md. Aug. 22, 1997). 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. In fact, having carefully reviewed the record and Appellant's brief, we conclude that Appellant's appeal is frivolous within the meaning of Fed. R. App. P. 38. See e.g., Brock v. Angelone, 105 F.3d 952 (4th Cir. 1997). We therefore order Appellant to show cause why sanctions should not be assessed against him.

DISMISSED