

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7430

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ZIMBALIST DESHAYE TILLMAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CR-94-202-PJM, CR-94-312-PJM, CA-96-1145-PJM)

Submitted: April 29, 1998

Decided: May 14, 1998

Before MURNAGHAN, NIEMEYER, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Antoini Martin Jones, Riverdale, Maryland, for Appellant. Barbara Suzanne Skalla, Assistant United States Attorney, Greenbelt, Maryland, 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Unpublished opinions are not binding precedent in this circuit.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 denying relief on his motion filed pursuant to 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), in which he challenged his firearms conviction, 18 U.S.C. § 924(c) (1994), in light of the Supreme Court's decision in Bailey v. United States, 516 U.S. 137 (1995). Because the record establishes that Tillman "carried" the firearm withing the meaning of the statute, 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