

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7535

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES TYRONE PUGH, a/k/a Tyke,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., Chief District Judge. (CR-93-43, CA-96-194-5)

Submitted: January 6, 1998

Decided: January 20, 1998

Before HALL, MURNAGHAN, and LUTTIG, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Tyrone Pugh, Appellant Pro Se. Samuel Gerald Nazzaro, Jr., Assistant United States Attorney, Lisa Grimes Johnston, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West 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Unpublished opinions are not binding precedent in this circuit.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. Pugh, No. CR-93-43; CA-96-194-5 (N.D.W. Va. Sept. 26, 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.

DISMISSED