

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-7565**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HAROLD EUGENE BOOKER,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CR-93-81)

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Submitted: January 15, 1998

Decided: January 30, 1998

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Before MURNAGHAN and LUTTIG, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Harold Eugene Booker, Appellant Pro Se. Michael R. Smythers, Assistant United States Attorney, William David Muhr, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying his motion filed under 28 U.S.C. § 2255 (1994) (current version at 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 affirm on the reasoning of the district court.\* United States v. Booker, No. CR-93-81 (E.D. Va. Oct. 14, 1997). See Lindh v. Murphy, 521 U.S. \_\_\_, 1997 WL 338568 (U.S. June 23, 1997) (No. 96-6298). 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.

AFFIRMED

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\* To the extent Appellant also appeals the district court's order denying his Fed. R. Civ. P. 59(e) motion, we likewise affirm that order. See Temkin v. Frederick County Comm'r, 945 F.2d 716, 723 (4th Cir. 1991).