

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7650

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEITH EUGENE GAFFNEY, a/k/a Khalif Abdul Qawi
Mujahid, a/k/a Fly, a/k/a Slim, a/k/a Keith
Gaffney-Bey,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, District Judge. (CR-95-53, CA-97-1222-AM)

Submitted: March 12, 1998

Decided: March 26, 1998

Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Keith Eugene Gaffney, Appellant Pro Se. Justin W. Williams, Assistant United States Attorney, Alexandria, 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Unpublished opinions are not binding precedent in this circuit.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. Gaffney, Nos. CR-95-53; CA-97-1222-AM (E.D. Va. Oct. 17, 1997). We note that Appellant was not entitled to an evidentiary hearing or appointment of counsel because the motions, files, and records of the case conclusively show that Appellant is not entitled to relief. See Fontaine v. United States, 411 U.S. 213, 215 (1973). 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