

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2728

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KLYNE MILTON MCMAHAN, JR.,

Claimant - Appellant,

TWO SUPERVAC HEAT SEALERS,

Defendants.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry C. Morgan, Jr., District Judge. (CA-98-834-2)

Submitted: April 15, 1999

Decided: April 27, 1999

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

Affirmed by unpublished per curiam opinion.

Klyne Milton McMahan, Jr., Appellant Pro Se. Kent Pendleton Porter, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Claimant Klyne Milton McMahan appeals from the district court's order granting the Government's Fed. R. Civ. P. 41(a) motion and dismissing the civil forfeiture action against the defendant heat sealers without prejudice, and ordering that the heat sealers be sold with the proceeds from their sale to be used to offset fines, assessments, and attorneys fees incurred as a result of McMahan's criminal convictions. 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. See United States v. McMahan, No. CA-98-834-2 (E.D. Va. Oct. 30, 1998).^{*} 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

^{*} Although the order from which McMahan appeals was filed on October 27, 1998, it was entered on the district court's docket sheet on October 30, 1998. October 30, 1998, is therefore the effective date of the district court's decision. See Fed. R. Civ. P. 58 and 79(a); see also Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).