

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6097

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ADOLFO VALDEZ, a/k/a Adolfo Valdez-Pinales,
a/k/a Angel Manuel Rios-Castro, a/k/a Big Al,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, District Judge. (CR-92-9-F, CA-97-82-7-F)

Submitted: September 30, 1998

Decided: October 15, 1998

Before ERVIN, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Adolfo Valdez, Appellant Pro Se. Robert Edward Skiver, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Adolfo Valdez seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998). 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 substantially on the reasoning of the district court. United States v. Valdez, Nos. CR-92-9-F; CA-97-82-7-F (E.D.N.C. Dec. 16, 1997). We note that Valdez could have challenged the two-level enhancement for possession of a firearm on direct appeal but did not. Therefore, he may not assert it in a collateral proceeding. See Stone v. Powell, 428 U.S. 465, 477 n.10 (1976). 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