

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6476

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TOM J. BILLMAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Chief District Judge. (CR-89-466-JFM, CA-97-2120-JFM)

Submitted: February 9, 1999

Decided: March 4, 1999

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

Dismissed by unpublished per curiam opinion.

Marcia Gail Shein, LAW OFFICE OF MARCIA G. SHEIN, P.C., Atlanta, Georgia; Charles Ivey Billman, Arlington, Virginia, for Appellant. Barbara Slaymaker Sale, Assistant United States Attorney, Joyce Kallam McDonald, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tom J. Billman 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. We have carefully considered Billman's claims of insufficiency of the evidence, ineffective assistance of counsel, trial error, constructive amendment of the indictment, prosecutorial misconduct, and ineffective waiver of his right to a jury trial. Finding no merit to any of these assignments of error, we decline to disturb the district court's order dismissing Billman's motion. 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