

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6966**

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DENNIS GERALD GARDNER,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge; Glen M. Williams, Senior District Judge. (CR-96-49, CA-97-758-R)

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Submitted: November 5, 1998

Decided: November 23, 1998

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Before ERVIN, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Dennis Gerald Gardner, Appellant Pro Se. Richard Albert Lloret, OFFICE OF THE UNITED STATES ATTORNEY, Abingdon, Virginia; John Francis Corcoran, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dennis Gardner 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 on the reasoning of the district court. Gardner v. United States, Nos. CR-96-49; CA-97-758-R (W.D. Va. June 11, 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.

DISMISSED