

Filed: December 17, 1998

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7075
(CR-94-212, CA-97-687-6)

United States of America,

Plaintiff - Appellee,

versus

Orienthia Jerome McDowell,

Defendant - Appellant.

O R D E R

The court amends its opinion filed December 3, 1998, as follows:

On the cover sheet, section 3 -- the district court information is corrected to read "Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. N. Carlton Tilley, Jr., District Judge. (CR-94-212, CA-97-687-6)."

On page 2, line 8 of the opinion -- the line is corrected to begin M.D.N.C.

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7075

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ORIENTHIA JEROME MCDOWELL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. N. Carlton Tilley, Jr., District Judge. (CR-94-212, CA-97-687-6)

Submitted: November 19, 1998

Decided: December 3, 1998

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

Dismissed by unpublished per curiam opinion.

Orienthia Jerome McDowell, Appellant Pro Se. David Bernard Smith, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Orienthia Jerome McDowell 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 accepting the recommendation of the magistrate judge 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. McDowell, Nos. CR-94-212; CA-97-687-6 (M.D.N.C. May 29, 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