

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7613

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHRISTOPHER J. BAILEY,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, Chief District Judge. (CR-95-2, CA-98-378-2)

Submitted: January 21, 1999

Decided: February 9, 1999

Before LUTTIG, MOTZ, and KING,* Circuit Judges.

Dismissed by unpublished per curiam opinion.

Christopher J. Bailey, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

* Judge King did not participate in consideration of this case. The opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Christopher Bailey 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, although we grant leave to proceed in forma pauperis, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Bailey, Nos. CR-95-2; CA-98-378-2 (S.D.W. Va. Aug. 28, 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