

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7703

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES BATSON, a/k/a Charles N. Taylor,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. James C. Fox, District Judge. (CR-95-60-4, CA-97-214-4-F)

Submitted: April 15, 1999

Decided: April 21, 1999

Before NIEMEYER and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Charles Batson, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Yvonne Victoria Watford-McKinney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Batson 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. See United States v. Batson, Nos. CR-95-60-4; CA-97-214-4-F (E.D.N.C. Dec. 24, 1997).^{*} We decline to review the claims brought for the first time in this appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). Accordingly, we deny a certificate of appealability and dismiss the appeal. 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

^{*} We construe Batson's "Motion for Certificate of Appealability," which was filed in this Court and later forwarded to the district court for disposition, as a timely notice of appeal.