

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7803**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JASMINE PHILLIPS,

Defendant - Appellant.

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**No. 99-6088**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JASMINE PHILLIPS,

Defendant - Appellant.

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Appeals from the United States District Court for the Eastern District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., Senior District Judge. (CR-93-130)

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Submitted: March 11, 1999

Decided: March 16, 1999

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Before WIDENER and LUTTIG, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

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Affirmed in part and dismissed in part by unpublished per curiam opinion.

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Jasmine Phillips, Appellant Pro Se. Carol M. Marx, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jasmine Phillips seeks to appeal the district court's orders denying her motion for production of transcripts at government expense (No. 98-7803), and construing her motion filed under 28 U.S.C. § 2241 (1994) as one filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), and dismissing that motion as time-barred (No. 99-6608). We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we affirm as to appeal No. 98-7803, and deny a certificate of appealability and dismiss as to appeal No. 99-6608, on the reasoning of the district court. See United States v. Phillips, No. CR-93-130 (E.D. Va. Nov. 4 & Dec. 29, 1998).<sup>\*</sup> 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.

AFFIRMED IN PART, DISMISSED IN PART

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<sup>\*</sup> The order from which Phillips appeals was filed on December 28, 1998, and entered on the district court's docket sheet on December 29, 1998. In accordance with Fed. R. Civ. P. 58 and 79(a), December 29, 1998 is therefore the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).