

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6285

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CARMEN BLANCO CRUZ,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Solomon Blatt, Jr., Senior District Judge. (CR-93-267, CA-98-714-9-8)

Submitted: August 19, 1999

Decided: August 25, 1999

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

Dismissed by unpublished per curiam opinion.

W. Gaston Fairey, FAIREY, PARISE & MILLS, P.A., Columbia, South Carolina, for Appellant. Matthew R. Hubbell, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carmen Cruz seeks to appeal the district court's order denying her motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999). We have reviewed the record, the district court's order, and the transcript of the hearing at which the court stated its reasons for denying Cruz' motion and find no reversible error. We agree with the district court that counsel's alleged error was not a structural defect in Cruz' trial and that Cruz failed to satisfy the standard for claims of ineffective assistance of counsel as set forth in Strickland v. Washington, 466 U.S. 668 (1984). 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