

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6333

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GREGG DINARDE PENN,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. Frank W. Bullock, Jr., District Judge. (CR-96-175, CA-98-169-1)

Submitted: October 20, 1999

Decided: November 3, 1999

Before MURNAGHAN, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gregg Dinarde Penn, Appellant Pro Se. Lisa Blue Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Greg Dinarde Penn seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999). 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. See United States v. Penn, Nos. CR-96-175; CA-98-169-1 (M.D.N.C. Feb. 24, 1999*). 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

* Although the district court's judgment and order is marked as "filed" on February 23, 1999, the district court's records show that it was entered on the docket sheet on February 24, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the judgment or order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).