

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6449

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MAURICE PERNELL SMITH,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. W. Earl Britt, Senior District Judge. (CR-96-45-4-BR, CA-99-5-4-BR)

Submitted: May 25, 1999

Decided: May 28, 1999

Before ERVIN, WILKINS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Maurice Pernel Smith, Appellant Pro Se. John B. Clarkson, UNITED STATES MARINE CORPS, Cherry Point, North Carolina; Anne M. Hayes, 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Unpublished opinions are not binding precedent in this circuit.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:

Maurice Smith 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. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Smith, Nos. CR-96-45-4-BR; CA-99-5-4-BR (E.D.N.C. Feb. 5, & Mar. 15, 1999). We also reject Smith's claim that he did not knowingly and voluntarily plead guilty to the crime for which he stands convicted. 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