

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 99-6487**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BILLY JEROME PEE,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of South Carolina, at Florence. Cameron McGowan Currie, District Judge. (CR-96-398, CA-98-719-2)

---

Submitted: July 27, 1999

Decided: August 17, 1999

---

Before LUTTIG and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Billy Jerome Pee, Appellant Pro Se. Alfred William Walker Bethea, Assistant United States Attorney, Florence, South Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Billy Jerome Pee appeals the district court's order denying relief on his motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C.A. § 2255 (West Supp. 1999). We have reviewed the record and the transcript of the district court's evidentiary hearing on Pee's claims and find no error. The quantity and packaging of the heroin possessed by Pee were consistent with distribution. See United States v. Fisher, 912 F.2d 728, 730 (4th Cir. 1990); see also United States v. Bergodere, 40 F.3d 512, 518 (1st Cir. 1994). Accordingly, Pee's counsel acted well within the bounds established for competent counsel when he advised Pee to plead guilty. Additionally, we find Pee's claim that his counsel should have moved for a substantial assistance departure lacking in merit. The record is clear that Pee provided the Government with no relevant assistance. Hence, a substantial assistance motion was not warranted. Finally, because Pee's ineffective assistance claims are without merit, we also reject his claim that his plea agreement was rendered unknowing and involuntary based on counsel's alleged ineffectiveness. Accordingly, we deny Pee's motion for 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