

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6490

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FRANKIE EARL JONES, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CR-95-308)

Submitted: June 30, 1999

Decided: July 16, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Frankie Earl Jones, Jr., Appellant Pro Se. Harold Watson Gowdy, III, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Frankie Earl Jones, Jr., seeks to appeal the district court's order construing his motion filed pursuant to Fed. R. Civ. P. 60(b) as a motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999) and denying the motion. 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. Jones, No. CR-95-308 (D.S.C. Mar. 18, 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 order is marked as "filed" on March 17, 1999, the district court's records show that it was entered on the docket sheet on March 18, 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).