

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 99-6653**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

OTTO RANDOLPH FENNER,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, District Judge. (CR-96-153, CA-98-547-1)

---

Submitted: July 22, 1999

Decided: July 28, 1999

---

Before ERVIN, HAMILTON, and TRAXLER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Otto Randolph Fenner, Appellant Pro Se. Clifton Thomas Barrett, 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Unpublished opinions are not binding precedent in this circuit.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:

Otto Randolph Fenner 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. Fenner, Nos. CR-96-153; CA-98-547-1 (M.D.N.C. Apr. 12, 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