

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6927

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TOLLIVER QUACO,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CR-90-275-A, CA-98-1236-AM)

Submitted: October 21, 1999

Decided: October 27, 1999

Before WIDENER and TRAXLER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Robert Lee Jenkins, Jr., Alexandria, Virginia, for Appellant.
Michael David Chaleff, OFFICE OF THE UNITED STATES ATTORNEY,
Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tolliver Quaco seeks to appeal the district court's order denying as untimely his motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999). We have reviewed the record and the district court's opinion and find no reversible error. Further, we note that Quaco filed a § 2255 motion challenging this conviction in 1996, so his claim that he did not know of the 1991 affirmance of his conviction is disingenuous. See United States v. Quaco, No. 96-7259 (4th Cir. Nov. 20, 1996) (unpublished). Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Quaco, Nos. CR-90-275-A; CA-98-1236-AM (E.D. Va. June 29, 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