

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7099**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE WILSON, III, a/k/a Charles L. Gaston,

Defendant - Appellant.

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**No. 98-6535**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE WILSON, III, a/k/a Charles L. Gaston,

Defendant - Appellant.

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Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CR-93-461-A)

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Submitted: January 28, 2000

Decided: February 11, 2000

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Before WIDENER, LUTTIG, and WILLIAMS, Circuit Judges.

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No. 99-7099 affirmed and No. 98-6535 dismissed by unpublished per curiam opinion.

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George Wilson, III, Appellant Pro Se. John Thomas Martin, Gary DiBianco, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In No. 99-7099, George Wilson appeals the district court order denying his motions seeking relief under Rule 35(a)(2) of the Federal Rules of Criminal Procedure and Rules 52 and 59 of the Federal Rules of Civil Procedure. We have reviewed the record and find no reversible error. Accordingly, we affirm.

In No. 98-6535, this Court remanded to the district court the claim that Wilson received ineffective assistance of counsel. We instructed the district court to make a factual finding regarding how much actual PCP was in the 14.1 kilogram mixture attributed to Wilson for sentencing purposes. See United States v. Wilson, 1999 WL 153062 (4th Cir. Mar. 22, 1999) (Nos. 98-6535, 98-7258) (unpublished). The district court has made the appropriate factual finding and concluded that Wilson was not prejudiced by counsel's conduct. We have reviewed the record and the district court's memorandum opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal in No. 98-6535 on the reasoning of the district court. See United States v. Wilson, No. CR-93-461-A (E.D. Va. June 3, 1999).\*

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\* Although the district court's order is marked as "filed" on June 2, 1999, the district court's records show that it was entered on the docket sheet on June 3, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the 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).

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.

No. 99-7099 - AFFIRMED

No. 98-6535 - DISMISSED