

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7139

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSEPH R. JOHNSON, JR., a/k/a Joe Johnson,
a/k/a Joseph Johnson,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, District Judge. (CR-96-180-A, CA-98-1066-A)

Submitted: November 18, 1999

Decided: November 24, 1999

Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Joseph R. Johnson, Jr., Appellant Pro Se. Thomas Gerard Connolly, 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Unpublished opinions are not binding precedent in this circuit.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:

Joseph R. Johnson, Jr., 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 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. Johnson, Nos. CR-96-180-A; CA-98-1066-A (E.D. Va. Aug. 10, 1999).* We deny Johnson's motion for appointment of counsel. 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 August 6, 1999, the district court's records show that it was entered on the docket sheet on August 10, 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 order.