

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7185**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROGELIO CEVALLOS, a/k/a Roger Cevallos, a/k/a  
Richard Ruiz, a/k/a Ronnie,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CR-94-275, CA-98-811-A)

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Submitted: January 11, 2000

Decided: February 4, 2000

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Before WIDENER and WILKINS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Rogelio Cevallos, Appellant Pro Se. Thomas More Hollenhorst, Assistant 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Unpublished opinions are not binding precedent in this circuit.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:

Rogelio Cevallos appeals the district court's orders denying as untimely his motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999) and denying his motion for a certificate of appealability. We have reviewed the record and the district court's orders 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. Cevallos, Nos. CR-94-275; CA-98-811-A (E.D. Va. Mar. 9\* and May 6, 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

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\* Although the district court's order is marked as "filed" on March 8, 1999, the district court's records show that it was entered on the docket sheet on March 9, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was physically 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).