

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7428

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TOY BURTRON MADDEN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Chief District Judge. (CR-94-440-JFM, CA-99-2580-JFM)

Submitted: February 10, 2000

Decided: February 14, 2000

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

Dismissed by unpublished per curiam opinion.

Toy Burtron Madden, Appellant Pro Se. Joyce Kallam McDonald, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Toy Burtron Madden 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. Madden's conviction became final on October 7, 1996, the day on which the Supreme Court denied his petition for certiorari. Therefore, the 28 U.S.C.A. § 2255 motion Madden filed on August 23, 1999, was barred by the one-year limitations period of 28 U.S.C.A. § 2255. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Madden'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