

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7435**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TYREES COLOZA WHITEHEAD,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-90-112, CA-99-92)

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Submitted: March 23, 2000

Decided: April 5, 2000

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Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Tyrees Coloza Whitehead, Appellant Pro Se. Stephen Wiley Miller, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tyrees Coloza Whitehead seeks to appeal the district court's order denying his motion originally filed as a petition for a writ of coram nobis, but later properly construed as a motion 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. Whitehead, Nos. CR-90-112; CA-99-92 (E.D. Va. Aug. 30, 1999). Additionally, we deny Whitehead's petition for a writ of mandamus. 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