UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7683

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GABRIEL MIGUEL TORRENS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Malcolm J. Howard, District Judge. (CR-95-65-H, CA-99-46-4-H)

Submitted: February 24, 2000 Decided: March 3, 2000

Before MOTZ and KING, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Gabriel Miguel Torrens, Appellant Pro Se. Robert Edward Skiver, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gabriel Miguel Torrens 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. Torrens claims on appeal that the government failed to disclose the testimony before the grand jury and statements of certain co-defendants, in violation of Brady v. Maryland, 373 U.S. 83 (1963). Torrens has failed to show cause and prejudice to excuse his failure to raise these claims on direct appeal. See United States v. Frady, 456 U.S. 152, 170 (1982). In any event, Torrens failed to establish a Brady violation. See United States v. Sarihifard, 155 F.3d 301, 309 (4th Cir. 1998) (providing standard). Torrens also claims on appeal that counsel was ineffective when he failed to object to the amount of drugs attributable to him and to the government's alleged Brady violations. We find that Torrens failed to establish counsel's ineffectiveness with regard to these claims. See Strickland v. Washington, 466 U.S. 668, 688, 694 (1984). Accordingly, we deny a certificate of appealability and dismiss the appeal. 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