

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7711

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROSARIO A. FIORANI, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CR-98-340, CA-99-200)

Submitted: March 23, 2000

Decided: March 30, 2000

Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rosario A. Fiorani, Jr., Appellant Pro Se. G. David Hackney, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rosario A. Fiorani, Jr., seeks to appeal the district court's order denying his motion to set aside sentence pursuant to 28 U.S.C. §§ 2241, 2243 (1994), that the court properly construed as a 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. Fiorani, Nos. CR-98-340; CA-99-200 (E.D. Va. Dec. 1, 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

^{*} Although the district court's order is marked as "filed" on November 30, 1999, the district court's records show that it was entered on the docket sheet on December 1, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date the order was 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).