

FILED: September 2, 1998

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6487
(CR-91-312)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BYRON KEITH COLLINS,

Defendant - Appellant.

O R D E R

Appellant has filed a petition for rehearing. The government has filed a response indicating no objection.

The Court grants the petition for rehearing, vacates the prior decision, and remands for further proceedings.

Entered at the direction of Judge Hamilton with the concurrence of Judge Wilkins and Senior Judge Phillips.

For the Court

/s/ Patricia S. Connor

Clerk

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No. 97-6487

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BYRON KEITH COLLINS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Charles E. Simons, Jr., Senior District Judge. (CR-91-312, CA-96-686-3-6)

Submitted: April 16, 1998

Decided: April 28, 1998

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

Dismissed by unpublished per curiam opinion.

Joyce Farr Cheeks, Columbia, South Carolina, for Appellant. David Jarlath Slattery, Assistant United States Attorney, Robert Claude Jendron, Jr., Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997). 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. United States v. Collins, Nos. CR-91-312; CA-96-686-3-6 (D.S.C. Feb. 27, 1997). 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