

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6309**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALVIN BASS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CR-90-352-A, CA-97-754-AM)

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Submitted: August 15, 2000

Decided: August 25, 2000

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Before WILLIAMS and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Alvin Bass, Appellant Pro Se. Charles Philip Rosenberg, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Alvin Bass seeks to appeal the district court's order construing his petition for a writ of habeas corpus under 28 U.S.C. § 2241 (1994) as a motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000) and dismissing it without prejudice as successive. 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. Bass, Nos. CR-90-352-A; CA-97-754-AM (E.D. Va. Jan. 4, 2000). 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