

Rehearing granted, rehearing  
en banc denied, and case  
placed in abeyance by order  
filed 2/20/01

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6719**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID EARL BEASLEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, District Judge. (CR-94-122-F, CA-98-810-5-F)

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Submitted: October 17, 2000

Decided: November 1, 2000

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

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Dismissed by unpublished per curiam opinion.

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David Earl Beasley, Appellant Pro Se. Fenita Morris Shepard, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David Earl Beasley appeals the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000). 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. Beasley, Nos. CR-94-122-F; CA-98-810-5-F (E.D.N.C. Sept. 28, 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