

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6954**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EARL LEE NOLTON, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CR-96-120-DKC, CA-98-3412-DKC)

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Submitted: May 8, 2001

Decided: May 23, 2001

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Before NIEMEYER, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Earl Lee Nolton, Jr., Appellant Pro Se. Odessa Palmer Jackson, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Earl Lee Nolton, Jr., seeks to appeal 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. United States v. Nolton, Nos. CR-96-120-DKC; CA-98-3412-DKC (D. Md. June 27, 2000).<sup>\*</sup> 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

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<sup>\*</sup> Nolton alleges that his sentence is illegal under Apprendi v. New Jersey, 530 U.S. 466 (2000). We recently held in United States v. Sanders, \_\_\_ F.3d \_\_\_, 2001 WL 369719 (4th Cir. Apr. 13, 2001) (No. 00-6281), that the new rule announced in Apprendi is not retroactively applicable to cases on collateral review. Accordingly, Nolton's Apprendi claim is not cognizable.