

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7199

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ENRICO FERRIANTE COTTEN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (CR-95-161-F, CA-00-167-5-F)

Submitted: May 17, 2001

Decided: May 22, 2001

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Enrico Ferriante Cotten, Appellant Pro Se. Jane J. Jackson, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Enrico Ferriante Cotten appeals the district court's order denying his motion for reconsideration of the district court's order denying his 28 U.S.C.A. § 2255 (West Supp. 2000) motion. We have reviewed the record and the district court's order and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal substantially on the reasoning of the district court.* United States v. Cotten, Nos. CR-95-161-F; CA-00-167-5-F (E.D.N.C. June 30, 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

* 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 v. New Jersey, 530 U.S. 466 (2000), is not retroactively applicable to cases on collateral review. Accordingly, Cotten's Apprendi claim is not cognizable.