

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7538

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

IRA LEE DICKERSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Florence. C. Weston Houck, District Judge.
(CR-91-36, CA-97-2809-4-12)

Submitted: April 27, 2001

Decided: May 15, 2001

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ira Lee Dickerson, Appellant Pro Se. Beth Drake, 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Unpublished opinions are not binding precedent in this circuit.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:

Ira Lee Dickerson seeks to appeal the district court's order dismissing as untimely 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. With respect to Dickerson's newly-presented claim on appeal that he was sentenced in violation of 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, we grant Dickerson's motion to amend his brief, but deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Dickerson, Nos. CR-91-36; CA-97-2809-4-12 (D.S.C. filed Sept. 27, 2000; entered Sept. 28, 2000). We further deny Dickerson's motion for the appointment of counsel. 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