

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6347

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES EDWARD COFFEY,

Defendant - Appellant.

No. 01-6796

CHARLES EDWARD COFFEY,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeals from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (CR-98-192-V, CA-00-170-1-V, CA-00-170)

Submitted: July 12, 2001

Decided: July 19, 2001

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles Edward Coffey, Appellant Pro Se. Gretchen C.F. Shappert, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Edward Coffey seeks to appeal the district court's orders denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000). In the first order appealed, the district court denied Coffey's motion to amend his action to add a claim based upon the Supreme Court's opinion in Apprendi v. New Jersey, 530 U.S. 466 (2000). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we dismiss the appeal of this order substantially on the reasoning of the district court.* See United States v. Coffey, Nos. CR-98-192-V; CA-00-170-1-V (W.D.N.C. filed Jan. 30, 2001; entered Feb. 2, 2001). In the second order, Coffey appeals from the district court's final order denying him relief under § 2255. 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 on the reasoning of the district court. See Coffey v. United States, Nos. CR-98-192-V; CA-00-170 (W.D.N.C. filed Apr. 19, 2001; entered May 8, 2001).

* We recently held in United States v. Sanders, 247 F.3d 139 (4th Cir. 2001), 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, Appellant's Apprendi claim is not cognizable.

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