

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6392**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TIMOTHY LARNELL BASEMORE,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Fox, Senior District Judge. (CR-97-5-FO, CA-01-17-4-F)

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Submitted: April 27, 2001

Decided: May 21, 2001

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Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Timothy Larnell Basemore, Appellant Pro Se. Cynthia Elaine Tompkins, 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Unpublished opinions are not binding precedent in this circuit.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:

Timothy Larnell Basemore 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 substantially on the reasoning of the district court.\* See United States v. Basemore, Nos. CR-97-5-FO; CA-01-17-4-F (E.D.N.C. Feb. 14, 2001). 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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\* 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, Appellant's Apprendi claim is not cognizable.