

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6449**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHNNY MACK BROWN,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. David A. Faber, District Judge. (CR-96-196, CA-99-343-5)

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Submitted: October 19, 2001

Decided: October 31, 2001

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Before WIDENER, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Johnny Mack Brown, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Johnny Mack Brown appeals the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2255 (West Supp. 2001). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny the motion for a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Brown, Nos. CR-96-196; CA-99-343-5 (S.D.W. Va. Jan. 18, 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