

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6455**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JASON J. SMITH, a/k/a Phillip Daniel Smith,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Martinsburg. W. Craig Broadwater,  
District Judge. (CR-97-17, CA-00-21-3)

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Submitted: July 3, 2001

Decided: July 20, 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Dismissed by unpublished per curiam opinion.

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Paul E. Lane, Martinsburg, West Virginia, for Appellant. Thomas  
Oliver Mucklow, Assistant United States Attorney, Martinsburg, West  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jason J. Smith 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 accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Smith, Nos. CR-97-17; CA-00-21-3 (N.D.W. Va. Feb. 9, 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