

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6617

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CARLOS LOPEZ, a/k/a Carlos Garcia, a/k/a
Rodolfo V. Quinones,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Spartanburg. Henry M. Herlong, Jr., District
Judge. (CR-94-60, CA-00-4015-8-20)

Submitted: September 20, 2001 Decided: September 26, 2001

Before LUTTIG, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Carlos Lopez, Appellant Pro Se. David Calhoun Stephens, Assistant
United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carlos Lopez seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001). 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 on the reasoning of the district court. United States v. Lopez, Nos. CR-94-60; CA-00-4015-8-20 (D.S.C. Mar. 23, 2001).* We deny Lopez's motions for a transcript at Government expense. 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

* 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 claims are not cognizable.