

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6739**

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CEDRIC J. WEBB,

Petitioner - Appellant,

versus

D. A. BRAXTON, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CA-00-816-7)

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Submitted: July 12, 2001

Decided: July 20, 2001

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Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Cedric J. Webb, Appellant Pro Se. Eugene Paul Murphy, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cedric J. Webb seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000). We have reviewed the record and the district court's opinion and find no reversible error. We decline to consider Webb's claim, presented for the first time on appeal, that the evidence was insufficient to sustain his conviction of possession with intent to distribute controlled substances. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Webb v. Braxton, No. CA-00-816-7 (W.D. Va. Feb. 6, 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