

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6937**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

YANCY NATHANIEL BOWMAN,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., District Judge. (CR-98-255, CA-00-487-1)

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Submitted: August 23, 2001

Decided: September 5, 2001

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Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Yancy Nathaniel Bowman, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Yancy Nathaniel Bowman 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 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.\* United States v. Bowman, Nos. CR-98-255; CA-00-487-1 (M.D.N.C. May 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

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\* Bowman also challenges for the first time on appeal his 168-month sentence in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). We recently held in United States v. Sanders, 247 F.3d 139, 151 (4th Cir. 2001), that the new rule announced in Apprendi is not retroactively applicable to cases on collateral review. Accordingly, Bowman's Apprendi claim is not cognizable.