

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7340

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

STEVEN J. KEY,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Elizabeth V. Hallanan, Senior District Judge. (CR-95-195, CA-01-633-5)

Submitted: December 20, 2001

Decided: January 2, 2002

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Steven J. Key, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Steven J. Key seeks to appeal the district court's order denying his motion filed under Fed. R. Crim. P. 12(b)(2) and construed by the district court as a 28 U.S.C.A. § 2255 (West Supp. 2001) motion. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny leave to proceed *informa pauperis*, deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Key, Nos. CR-95-195; CA-01-633-5 (S.D.W. Va. Aug. 3, 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