

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7588**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RICHARD DAVID DEGOUT,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CR-94-8, CA-99-844-7)

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Submitted: December 13, 2001

Decided: December 26, 2001

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Before NIEMEYER, MOTZ, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Richard David Degout, Appellant Pro Se. Jean Barrett Hudson, OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard David Degout 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. See United States v. Degout, Nos. CR-94-8; CA-99-844-7 (W.D. Va. Aug. 9, 2001). We deny Appellant's request for appointment of counsel. 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