

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8046

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DARRYL SIMON,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CR-98-10-MU, CA-01-613-3-1MU)

Submitted: June 11, 2002

Decided: July 12, 2002

Before LUTTIG, WILLIAMS, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Darryl Simon, Appellant Pro Se. Douglas Scott Broyles, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Darryl Simon 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. See United States v. Simon, Nos. CR-98-10-MU; CA-01-613-3-1MU (W.D.N.C. filed Nov. 9, 2001 & entered Nov. 13, 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