

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8060

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BRIAN STEPP,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, Chief District Judge. (CR-99-24, CA-00-862-2)

Submitted: May 23, 2002

Decided: June 17, 2002

Before LUTTIG and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Brian Stepp, Appellant Pro Se. Michael Lee Keller, John Castle Parr, 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Unpublished opinions are not binding precedent in this circuit.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:

Brian Stepp 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. Stepp, Nos. CR-99-24; CA-00-862-2 (S.D.W. Va. Oct. 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

* Stepp seeks to raise an issue not presented to the district court. We will not consider this issue as it is raised for the first time on appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).