

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
LINWOOD LEE RUFFIN, a/k/a Lenny,
Defendant-Appellant.

No. 02-6504

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
T. S. Ellis, III, District Judge.
(CR-99-24-A, CA-02-353-A)

Submitted: May 30, 2002

Decided: June 12, 2002

Before WILKINS, TRAXLER, and GREGORY, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Linwood Lee Ruffin, Appellant Pro Se. Sonya LaGene Sacks,
OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Vir-
ginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Linwood Ruffin seeks to appeal the district court's order construing a letter as a 28 U.S.C.A. § 2255 (West Supp. 2001) motion and denying relief. The district court did not have the benefit of our recent decision in *United States v. Emmanuel*, 288 F.3d 644 (4th Cir. 2002), when it construed Ruffin's letter as a § 2255 motion. Because Ruffin was not given notice of the district court's intention to construe his letter as a § 2255 motion or notice of the consequences, we grant a certificate of appealability and vacate the court's order and remand for further proceedings in light of *Emmanuel*. 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.

VACATED AND REMANDED