

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6981

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENNETH DANE GRAY,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. James P. Jones, District Judge.
(CR-98-28, CA-00-586)

Submitted: October 10, 2002

Decided: October 17, 2002

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kenneth Dane Gray, Appellant Pro Se. Anthony Paul Giorno, OFFICE
OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth Dane Gray seeks to appeal the district court's order denying his motion filed under 28 U.S.C. § 2255 (2000). We have reviewed the record and conclude for the reasons stated by the district court that Gray has not made a substantial showing of the denial of a constitutional right. See United States v. Gray, Nos. CR-98-28; CA-00-586 (W.D. Va. Apr. 12, 2002). Accordingly, we deny Gray's motion for a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). 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