

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7133**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HARRY PUGH,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., District Judge. (CR-99-41, CA-00-210-5)

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Submitted: October 10, 2002

Decided: October 21, 2002

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Before WILLIAMS, KING, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Harry Pugh, Appellant Pro Se. Samuel Gerald Nazzaro, Jr., Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Harry Pugh 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 the district court's opinion accepting the recommendation of the magistrate judge and conclude for the reasons stated by the district court that Pugh has not made a substantial showing of the denial of a constitutional right. See United States v. Pugh, Nos. CR-99-41; CA-00-210-5 (N.D.W. Va. June 24, 2002). Accordingly, we deny 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