

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7146

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RICHARD DAVID DEGOUT, a/k/a New York Steve,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. James C. Turk, District Judge; James H. Michael, Jr., Senior District Judge. (CR-94-8, CA-99-844)

Submitted: September 19, 2002

Decided: September 30, 2002

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Irving McCaskey, LAW OFFICE OF DAVID I. MCCASKEY, Staunton, Virginia, for Appellant. Jean Barrett Hudson, OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard David Degout 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 on the reasoning of the district court that Degout has not made a substantial showing of a denial of a constitutional right. See United States v. Degout, Nos. CR-94-8; CA-99-844 (W.D. Va. May 16, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. 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