

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7187**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEITHROY NOEL CLARKE, a/k/a Michael St. Clair  
Davis, a/k/a Tyrone Roberts, a/k/a Capone,  
a/k/a "T", a/k/a Khadafi,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Rebecca B. Smith, District Judge.  
(CR-97-166, CA-01-738-2)

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Submitted: November 1, 2002

Decided: December 4, 2002

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Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Keithroy Noel Clarke, Appellant Pro Se. Robert Edward Bradenham,  
II, Assistant United States Attorney, Norfolk, Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Keithroy Noel Clarke seeks to appeal the district court's order denying relief on 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 Clarke has not made a substantial showing of the denial of a constitutional right. See United States v. Clarke, Nos. CR-97-166; CA-01-738-2 (E.D. Va. filed May 29, 2002; entered May 30, 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