

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7102

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL WOODS,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Frederick P. Stamp, Jr., Chief District Judge. (CR-93-46, CA-94-170-2)

Submitted: January 18, 1996

Decided: February 1, 1996

Before HAMILTON and LUTTIG, Circuit Judges, and CHAPMAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

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

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying his 28 U.S.C. § 2255 (1988) motion. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. With regard to the alleged sentencing errors, we find that Appellant may not assert those nonconstitutional errors in a collateral proceeding because he did not raise them on direct appeal. See Stone v. Powell, 428 U.S. 465, 477 n.10 (1976). Accordingly, we affirm the denial of relief of Appellant's sentencing claims on that basis. With regard to Appellant's remaining claims, we affirm on the reasoning of the district court. United States v. Woods, Nos. CR-93-46; CA-94-170-2 (N.D.W. Va. June 29, 1995). 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.

AFFIRMED