

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7740

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TODD WALLACE KLEIN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, District Judge. (CR-91-425-A, CA-95-654-AM)

Submitted: February 29, 1996

Decided: April 4, 1996

Before WIDENER and MOTZ, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Todd Wallace Klein, Appellant Pro Se. Bernard James Apperson, III, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, 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Unpublished opinions are not binding precedent in this circuit.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 and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. United States v. Klein, Nos. CR-91-425-A; CA-95-654-AM (E.D. Va. Oct. 3, 1995). We find that Klein did not clearly waive his right to challenge his sentence under 28 U.S.C. § 2255 in the plea agreement. However, as the district court noted, the motion fails on the merits. 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