

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-7335**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HERBERT PERRY DIXON, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (CR-93-153, CA-96-36)

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Submitted: November 20, 1997

Decided: December 9, 1997

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Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Herbert Perry Dixon, Jr., Appellant Pro Se. Michael James Cummings, COMMONWEALTH'S ATTORNEY'S OFFICE, Virginia Beach, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying his motion filed under 28 U.S.C. § 2255 (1994) (current version at 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997)). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Dixon, Nos. CR-93-153; CA-96-36 (E.D. Va. May 3, 1996). See Lindh v. Murphy, 521 U.S. \_\_\_\_, 1997 WL 338568 (U.S. June 23, 1997) (No. 96-6298). 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