

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,  
Plaintiff-Appellee,

v.

No. 96-7376

KEITH WILLIAM DEBLASIO,  
Defendant-Appellant.

UNITED STATES OF AMERICA,  
Plaintiff-Appellee,

v.

No. 96-7377

KEITH WILLIAM DEBLASIO,  
Defendant-Appellant.

UNITED STATES OF AMERICA,  
Plaintiff-Appellee,

v.

No. 96-7831

KEITH WILLIAM DEBLASIO,  
Defendant-Appellant.

Appeals from the United States District Court  
for the District of Maryland, at Baltimore.  
J. Frederick Motz, Chief District Judge.  
(CR-94-397-JFM, CA-96-1406-JFM, CA-96-2793-JFM)

Submitted: February 28, 1997

Decided: March 21, 1997

Before WIDENER, MURNAGHAN, and HAMILTON,  
Circuit Judges.

No. 96-7377 affirmed and Nos. 96-7376 and 96-7831 dismissed by unpublished per curiam opinion.

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## COUNSEL

Keith William DeBlasio, Appellant Pro Se. Ira Lee Oring, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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## OPINION

PER CURIAM:

Keith W. DeBlasio appeals from the district court's orders dismissing two motions brought under 28 U.S.C. § 2255 (1994), as amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 12171 and a motion for return of property brought under Fed. R. Crim. P. 41(e).<sup>2</sup> We affirm No. 96-7377 and dismiss No. 96-7376 and No. 96-7831.

Addressing DeBlasio's Rule 41(e) motion, we find that, even assuming a remedy following the government's disposal of his property, DeBlasio has not demonstrated any entitlement to damages. Accordingly, we affirm the denial of his motion.

Addressing DeBlasio's § 2255 motions we deny a certificate of appealability and dismiss on the reasoning of the district court. United States v. DeBlasio, Nos. CR-94-397-JFM; CA-96-1406-JFM; CA-96-2793-JFM (D. Md. July 19, 1996, Oct. 24, 1996). We note

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<sup>1</sup> No. 96-7376 and No. 96-7831.

<sup>2</sup> No. 96-7377.

that although the district court failed to address one claim in DeBlasio's first motion the claim would not entitle to him relief. Further, the court did consider this claim in DeBlasio's second motion and he was therefore not harmed by the court's oversight. **3**

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.

No. 96-7377-AFFIRMED

Nos. 96-7376/7831-DISMISSED

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**3** We also deny DeBlasio's motion for appointment of counsel in No. 96-7376 and his motions for stay in both No. 96-7376 and 96-7831.