

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6008

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN MCPHAUL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (CR-95-22-BO, CA-96-127-BO)

Submitted: July 10, 1997

Decided: July 23, 1997

Before RUSSELL, HALL, and MURNAGHAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John McPhaul, Appellant Pro Se. Cynthia Elaine Tompkins, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John McPhaul seeks to appeal the district court's order denying his motion filed under 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 deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. McPhaul, Nos. CR-95-22-BO; CA-96-127-BO (E.D.N.C. Nov. 8, 1996). 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