

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6715

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GERALD PARKER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Terrence W. Boyle, Chief District Judge. (CR-94-73, CA-96-90-4-BO)

Submitted: January 13, 1998

Decided: February 24, 1998

Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gerald Parker, Appellant Pro Se. Robert Edward Skiver, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant Gerald Parker seeks to appeal from the district court's order denying relief on his motion filed pursuant to 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. Because we find that Appellant did not challenge the alleged use of coerced confessions from Government witnesses on direct appeal, the district court's reliance on Boeckenhaupt v. United States, 537 F.2d 1182, 1183 (4th Cir. 1976), as a basis for dismissal was erroneous. However, we find that this error was harmless because the district court properly denied relief on the alternative basis that there was no admissible evidence to support the claim. We further find that the record does not support Appellant's allegations concerning prosecutorial misconduct and the existence of a racial and political conspiracy against him. Accordingly, we deny a certificate of appealability and, in all other respects, dismiss the appeal on the reasoning of the district court. United States v. Parker, Nos. CR-94-73; CA-96-90-4-BO (E.D.N.C. Apr. 22, 1997). 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