

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6734

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BILLY JUNIOR ANDERSON,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Shelby. Lacy H. Thornburg, District Judge. (CR-94-37, CA-97-108-4)

Submitted: September 11, 1997 Decided: September 23, 1997

Before RUSSELL, MURNAGHAN, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Terry Lee Collins, Sr., Dobson, North Carolina, for Appellant.
Deborah Ann Ausburn, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997) alleging sentencing errors and ineffective assistance of counsel. We have reviewed the record and the district court's opinion and find no reversible error because Appellant waived his right to appeal his sentencing claim and because he was not prejudiced by counsel's alleged errors during sentencing. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Anderson, Nos. CR-94-37; CA-97-108-4 (W.D.N.C. May 5, 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