

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6765

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HUGH LANDY STOVALL, a/k/a Hugh Landis Stovall,
a/k/a Landy, a/k/a Landy Bowers,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., Senior District Judge. (CR-89-136, CA-97-415-2)

Submitted: July 22, 1998

Decided: July 31, 1998

Before ERVIN, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Hugh Landy Stovall, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Hugh Landy Stovall seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998) as barred by the one-year limitation period. Appellant's conviction became final in 1991, and he filed this motion on April 24, 1997. The limitation period expired on April 23, 1997. Thus, Appellant's motion was not timely filed in the district court. See Brown v. Angelone, ___ F.3d ___, No. 96-7173 slip op. at 10-11 (4th Cir. July 14, 1998). Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

DISMISSED