

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7072

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SIMON CHOW,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CR-94-219-A, CA-96-1641-AM)

Submitted: June 30, 1998

Decided: August 24, 1998

Before WILLIAMS and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Simon Chow, Appellant Pro Se. Lawrence Joseph Leiser, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Simon Chow seeks to appeal the district court's order denying his 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998) motion. 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 substantially on the reasoning of the district court. United States v. Chow, Nos. CR-94-219-A; CA-96-1641-AM (E.D. Va. July 3, 1997). Additionally, we hold that neither trial nor appellate counsel were "gross[ly] incompeten[t]" for failing to attack either the sufficiency of the evidence for Chow's heroin importation convictions, the venue for the prosecution of the importation and distribution charges, or the jury instructions. See Kimmelman v. Morrison, 477 U.S. 365, 382 (1986) (discussing standard of proof for ineffective assistance of counsel). We deny Appellant's motion for appointment of counsel and 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