

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-7220**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DANIEL THOMAS DEPEW,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, District Judge. (CR-90-17, CA-97-541-AM)

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Submitted: December 16, 1997

Decided: January 13, 1998

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Before WILKINS, HAMILTON, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Daniel Thomas Depew, Appellant Pro Se. William Neil Hammerstrom, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability, deny Appellant's motion for a certificate of probable cause to appeal, and dismiss the appeal on the reasoning of the district court. United States v. Depew, No. CR-90-17; CA-97-541-AM (E.D. Va. Apr. 15, 1997). We deny Appellant's motion to appoint counsel. 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