

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7610

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ARTHUR OSCAR SWAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Aiken. Charles E. Simons, Jr., Senior District Judge. (CR-95-365)

Submitted: February 12, 1998

Decided: March 4, 1998

Before MURNAGHAN and WILLIAMS, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Arthur Oscar Swan, Appellant Pro Se. Beth Drake, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South 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Unpublished opinions are not binding precedent in this circuit.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). 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 on the reasoning of the district court. United States v. Swan, No. CR-95-365 (D.S.C. Oct. 20, 1997). Our decision intimates nothing about the retroactivity of the one-year limitations period imposed by the Antiterrorism and Effective Death Penalty Act of 1996, 28 U.S.C.A. § 2255 (West Supp. 1997), since Appellant filed this action over one year after the effective date of the statute. 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