

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7812

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES RAY HALL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, District Judge. (CR-92-78-F, CA-97-170-1F-5)

Submitted: July 7, 1998

Decided: August 4, 1998

Before WIDENER and HAMILTON, Circuit Judges, and HALL, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

James Ray Hall, Appellant Pro Se. Christine Witcover Dean, Assistant United States Attorney, Robert Edward Skiver, Assistant United States Attorney, Raleigh, 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Unpublished opinions are not binding precedent in this circuit.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. 1998). We have reviewed the record and the district court's opinion and find no reversible error. To the extent that Hall challenges his sentence, these claims have been waived by his failure to raise them on direct appeal. See Stone v. Powell, 428 U.S. 465, 477 n.10 (1976); United States v. Emanuel, 869 F.2d 795, 796 (4th Cir. 1989). To the extent that Hall asserts ineffective assistance of counsel based on the alleged sentencing errors, Hall fails to show that counsel's performance was objectively unreasonable or that he was prejudiced thereby. See Strickland v. Washington, 466 U.S. 668, 687-95 (1984).

Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Hall, Nos. CR-92-78-F; CA-97-170-1F-5 (E.D.N.C. Nov. 18, 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