

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6758**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIAM OSCAR ROYSTER, a/k/a W. O.,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, District Judge. (CR-94-26-F, CA-97-287-5-F)

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Submitted: September 30, 1998

Decided: October 15, 1998

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Before ERVIN, LUTTIG, and WILLIAMS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Sheryl Gordon McCloud, Seattle, Washington, for Appellant. Robert Edward Skiver, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William Oscar Royster appeals 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. McCloud did not demonstrate that the trial judge's absence from the bench during the Government's closing argument was prejudicial. See United States v. Love, 134 F.3d 595, 604-05 (4th Cir.), cert. denied, \_\_\_ U.S. \_\_\_, 66 U.S.L.W. 3790 (U.S. June 15, 1998) (No. 97-9085). Accordingly, we affirm on the reasoning of the district court. United States v. Royster, Nos. CR-94-26-F; CA-97-287-5-F (E.D.N.C. Jan. 27, 1998). 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.

AFFIRMED