

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6921

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES FRANKLIN BUTLER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CR-96-46, CA-98-412-5-BR)

Submitted: September 10, 1998

Decided: September 29, 1998

Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Franklin Butler, Appellant Pro Se. Scott L. Wilkinson, OFFICE OF THE 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Unpublished opinions are not binding precedent in this circuit.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. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. Butler, Nos. CR-96-46; CA-98-412-5-BR (E.D.N.C. May 29, 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.

DISMISSED