

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6923

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DARVISH WORDELL BRYANT,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CR-95-450-PJM, CA-97-4063-PJM)

Submitted: December 17, 1998

Decided: January 5, 1999

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Darvish Wordell Bryant, Appellant Pro Se. Steven Michael Dettelbach, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Darvish Wordell Bryant 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. See United States v. Bryant, Nos. CR-95-450-PJM; CA-97-4063-PJM (D. Md. Apr. 30, 1998). We further find that Bryant's challenge to the district court's sentencing calculation is not cognizable on collateral review because he failed to raise it on direct appeal. See Stone v. Powell, 428 U.S. 465, 477 n.10 (1976). Bryant's motion to proceed in forma pauperis is granted. His motion for production of a transcript at government expense is denied. 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