

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6924

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT MCNATT,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Fayetteville. W. Earl Britt, Senior District Judge. (CR-89-34)

Submitted: September 10, 1998

Decided: September 29, 1998

Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert McNatt, Appellant Pro Se. Christine Witcover Dean, Assistant United States Attorney, Anne Margaret Hayes, 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Unpublished opinions are not binding precedent in this circuit.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:

Robert McNatt appeals the district court's order denying his "motion to reconsider sentence." To the extent McNatt's motion can be construed as a Fed. R. Crim. P. 35(c) motion, the district court properly dismissed the motion because it was untimely. To the extent the motion can be construed as a motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), the district court properly denied the motion both because it was untimely and because McNatt failed to seek authorization from this court to file a successive § 2255 motion. See Brown v. Angelone, ___ F.3d ___, Nos. 97-7173, 96-7208 (4th Cir. July 14, 1998); 28 U.S.C.A. § 2255. Accordingly, we affirm the district court's order. 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