

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7053

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LEROY BROWN,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert D. Potter, Senior District Judge. (CR-92-62-P, CA-97-193-3-P)

Submitted: September 30, 1998

Decided: October 21, 1998

Before ERVIN, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Leroy Brown, Appellant Pro Se. Frank DeArmon Whitney, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Leroy Brown seeks to appeal the district court's orders denying relief on his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), and denying his motion for a certificate of appealability. We dismiss the appeal from the denial of § 2255 relief for lack of jurisdiction. Brown filed the notice of appeal outside the sixty-day appeal period provided by Fed. R. App. P. 4(a)(1), and he failed to obtain an extension of the appeal period under Fed. R. App. P. 4(a)(5) or (6).

With regard to the denial of the motion for a certificate of appealability, 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 this portion of the appeal on the reasoning of the district court. United States v. Brown, Nos. CR-92-62-P; CA-97-193-3-P (W.D.N.C. June 22, 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