

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7055**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JUSTO ENRIQUE JAY,

Defendant - Appellant.

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**No. 98-7215**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JUSTO ENRIQUE JAY,

Defendant - Appellant.

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Appeals from the United States District Court for the Western  
District of North Carolina, at Charlotte. Robert D. Potter, Senior  
District Judge. (CR-88-20-C, CR-88-21, CA-97-202-P)

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Submitted: October 8, 1998

Decided: October 27, 1998

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Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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William F.W. Massengale, MASSENGALE & OZER, Chapel Hill, North Carolina; John Kenneth Zwerling, ZWERLING & KEMLER, Alexandria, Virginia, for Appellant. Kenneth Davis Bell, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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 motions filed under 28 U.S.C. § 2255 (1994) and 28 U.S.C. § 1651 (1994) and the district court's order denying Appellant's motion to issue 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 the appeal on the reasoning of the district court. United States v. Jay, Nos. CR-88-20-C; CR-88-21; CA-97-202-P (W.D.N.C. May 12 & July 21, 1998). We therefore dismiss Appellant's appeal of the district court's order denying his motion to issue a certificate of appealability as moot. 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