

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7254

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JEFFREY EVANS LARK,

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-92-53, CA-97-647-3-P)

Submitted: October 8, 1998

Decided: October 29, 1998

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jeffrey Evans Lark, Appellant Pro Se. Brian Lee Whisler, 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Unpublished opinions are not binding precedent in this circuit.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:

Jeffrey Evans Lark seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998) and order denying his motion to reconsider. We have reviewed the record and the district court's opinions and find that the § 2255 motion was filed beyond the one year limitation for such actions. See id; Brown v. Angelone, 150 F.3d 370 (4th Cir. 1998). Accordingly, we deny a certificate of appealability and dismiss the appeal. 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