

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7299

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JUAN CARLOS RETAYAUD,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CR-95-111-MU, CA-98-78-MU)

Submitted: February 11, 1999

Decided: February 23, 1999

Before ERVIN, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Juan Carlos Retayaud, Appellant Pro Se. Robert James Conrad, Jr., Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Juan Carlos Retayaud seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998), and his Fed. R. Civ. P. 59 motion for reconsideration. We have reviewed the record and the district court's orders 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. Retayaud, Nos. CR-95-111-MU; CA-98-78-MU (W.D.N.C. June 3 & July 14, 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