

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7358

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY CLIFF HALLETT,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Frank W. Bullock, Jr., Chief District Judge. (CR-93-8, CA-97-517-2)

Submitted: April 15, 1999

Decided: April 21, 1999

Before NIEMEYER and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Anthony Cliff Hallett, Appellant Pro Se. Michael Francis Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anthony Cliff Hallett seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998). We have reviewed the record and district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal substantially on the reasoning of the district court. See United States v. Hallett, Nos. CR-93-8; CA-97-517-2 (M.D.N.C. June 22, 1998). Further, we note that Hallett's claim regarding Federal Rule of Evidence 801(d)(2)(E) is meritless, because the coconspirator testimony that he attacks was not hearsay. Finally, Hallett waived appellate review of his claim under 18 U.S.C. § 201(c)(2) (1994) by failing to raise this claim in his objections to the magistrate judge's recommendation. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). 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