

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7565

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DAVID HOWARD POSEY, a/k/a David Allen Stern,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CR-97-302-A, CA-98-1326)

Submitted: February 23, 1999

Decided: March 24, 1999

Before LUTTIG and MICHAEL, Circuit Judges, and HALL, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

David Howard Posey, Appellant Pro Se. Lisa Gursky Sorkin, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David Howard Posey 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 the district court's opinion and find no reversible error. Accordingly, we deny Posey's motion for appointment of counsel, deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Posey, Nos. CR-97-302-A; CA-98-1326 (E.D. Va. Sept. 25, 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