

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6443

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE ALLEN RITTER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Dennis W. Shedd, District Judge. (CR-97-367, CA-99-133)

Submitted: June 22, 1999

Decided: August 26, 1999

Before MURNAGHAN, WILKINS, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Wayne Allen Ritter, Appellant Pro Se. Jane Barrett Taylor, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wayne Allen Ritter seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1999). Because the district court did not provide any reasoning for its decision, we have reviewed the record in its entirety. Ritter claimed in his motion that the trial court erroneously calculated his sentence based on the entire weight of a cocaine mixture containing cocaine base. He also presented a related ineffective assistance of counsel claim. However, in his appellate brief, Ritter abandons these claims. See 4th Cir. R. 34(b). He now claims that: (1) he was coerced into pleading guilty by his counsel; and (2) there was insufficient evidence to support his plea to a conspiracy charge. Because neither of these claims was presented to the district court for consideration, they are not properly before this court for review. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993) (holding that issues raised for the first time on appeal will generally not be considered absent exceptional circumstances). 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