

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6748**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT RUSSELL WILLIAMS, a/k/a Drip,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-95-45)

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Submitted: August 7, 2000

Decided: August 25, 2000

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Before WILLIAMS and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Robert Russell Williams, Appellant Pro Se. David John Novak, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Williams appeals the district court's order denying his motion under 28 U.S.C.A. § 2255 (West Supp. 2000). Although the district court entered judgment on the merits in favor of the Government, we conclude that the motion was not brought within the one-year period specified by § 2255 and therefore was untimely. See United States v. Torres, 211 F.3d 836, 837 (4th Cir. 2000) (holding that the one-year period commences with this court's mandate when no petition for certiorari is filed). Accordingly, we affirm the district court's denial of post-conviction relief on the ground that the motion was time-barred. 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.

AFFIRMED