

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 99-6763**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSEPH B. SHUMATE, JR.,

Defendant - Appellant.

---

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CR-98-35, CA-99-212-7)

---

Submitted: August 19, 1999

Decided: August 26, 1999

---

Before WIDENER and KING, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Joseph B. Shumate, Jr., Appellant Pro Se. Steven Randall Ramseyer, OFFICE OF THE UNITED STATES ATTORNEY, Abingdon, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph Shumate, Jr., seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999). We have reviewed the record and the district court's opinion 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. Shumate, Nos. CR-98-35; CA-99-212-7 (W.D. Va. Mar. 31, 1999). 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