

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6961

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CRAIG SMITHRICK,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William M. Nickerson, District Judge. (CR-94-111-WMN, CA-99-1487-WMN)

Submitted: December 16, 1999

Decided: December 21, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Craig Smithrick, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Craig Smithrick appeals the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999) and 28 U.S.C. § 2241 (1994). We have reviewed the record and the district court's memorandum and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal from the denial of the § 2255 motion, and affirm the appeal from the denial of the § 2241 petition on the reasoning of the district court. See United States v. Smithrick, Nos. CR-94-111-WMN; CA-99-1487-WMN (D. Md. June 23, 1999). We deny Smithrick's motion for appointment of counsel. 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 IN PART AND DISMISSED IN PART