UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7150

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FLOYD J. WHITE,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Charles H. Haden II, Chief District Judge. (CR-97-194, CA-00-522-5)

Submitted: December 14, 2000 Decided: December 21, 2000

Before WIDENER, WILKINS, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Floyd J. White, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Floyd J. White seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. United States v. White, Nos. CR-97-194; CA-00-522-5 (S.D.W. Va. Aug. 1, 2000).[*] 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

[*] Although the district court's order is marked as "filed" on July 14, 2000, the district court's records show that it was entered on the docket sheet on August 1, 2000. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).