

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6585**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TIMOTHY JAY BLACKWELL,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Charles E. Simons, Jr., Senior District Judge. (CR-90-319, CA-96-2854-0-6)

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Submitted: January 15, 1998

Decided: January 27, 1998

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

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Dismissed by unpublished per curiam opinion.

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William Otis Kneece, KNEECE, KNEECE & BROWN, Columbia, South Carolina; Steven Jay Wisotsky, Miami, Florida; Robert Arnold Hassell, Hillsborough, North Carolina, for Appellant. Mark C. Moore, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Timothy Blackwell seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997). 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 substantially on the reasoning of the district court. United States v. Blackwell, Nos. CR-90-319; CA-96-2854-0-6 (D.S.C. Mar. 4, 1997). Because Blackwell's claims of ineffective trial and appellate counsel are without merit, we find it unnecessary to address whether Blackwell's motion was timely under the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. No. 104-132, 110 Stat. 1214. Finally, we deny Blackwell's motion for 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