

U.S. v. Gibson
C.A.4 (S.C.),2000.

NOTICE: THIS IS AN UNPUBLISHED OPINION.(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTA4 Rule 36 for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, Fourth Circuit.
UNITED STATES of America, Plaintiff-Appellee,
v.

Keith Lamar GIBSON, Defendant-Appellant.
No. 99-7267.

Submitted Feb. 24, 2000.

Decided March 1, 2000.

Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Chief District Judge. (CR-94-614, CA-97-239-4-12).

William Elvin Hopkins, Jr., McCutchen, Blanton, Rhodes & Johnson, Debra Yvonne Chapman, Columbia, SC, for appellant.

Marshall Prince, Office of the United States Attorney, Columbia, SC, for appellee.

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

PER CURIAM.

*1 Keith Lamar Gibson 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 substantially on the reasoning of the district court. *See United States v. Gibson*, Nos. CR-94-614; CA-97-239-4-12 (D.S.C. Aug. 31, 1999). With regard to Gibson's claim that the district court failed to advise him of his right to appeal, we find that he was not entitled to relief because the district court informed him of his right to appeal his sentence dur-

ing the plea colloquy. *See Peguero v. United States*, 526 U.S. 23, 24 (1999) (holding that "a district court's failure to advise the defendant of his right to appeal does not entitle him to habeas relief if he knew of his right and hence suffered no prejudice from the omission"). 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.

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208 F.3d 210, 2000 WL 232164 (C.A.4 (S.C.))

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