

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6353**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES R. NIBLOCK,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:02-cr-568-GBL; 1:04-cv-361)

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Submitted: October 31, 2007

Decided: November 21, 2007

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Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Joseph A. Connors, III, McAllen, Texas, for Appellant. Chuck Rosenberg, United States Attorney, Charles F. Connolly, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Niblock appeals the district court's order denying his 28 U.S.C. § 2255 (2000) motion. We previously granted a certificate of appealability on two issues: whether counsel rendered ineffective assistance to Niblock by denying him the right to testify and whether counsel was ineffective for failing to note a direct appeal. See Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). After a review of the record and the parties' briefs, we conclude that the district court correctly denied relief on these claims. Accordingly, we affirm for the reasons stated by the district court. See United States v. Niblock, Nos. 1:02-cr-568-GBL; 1:04-cv-361 (E.D. Va. Feb. 28, 2005); see Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998) (holding that, absent justification, Fed. R. Civ. P. 59(e) motions "may not be used . . . to raise arguments which could have been raised prior to the issuance of the judgment"). 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