

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7495**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DUVELL MOZART EVERETT,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:07-cr-00001-REP-1; 3:08-cv-00245-REP)

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Submitted: December 15, 2009

Decided: December 18, 2009

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Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Duvell Mozart Everett, Appellant Pro Se. John Donley Adams, Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Duvell Mozart Everett seeks to appeal the district court's order denying Everett's 28 U.S.C.A. § 2255 (West Supp. 2009) motion. On appeal, we confine our review to the issues raised in the Appellant's brief. See 4th Cir. Rule 34(b). Everett's brief fails to challenge the district court's dispositive conclusion that he failed to demonstrate ineffective assistance of counsel. Accordingly, we deny a certificate of appealability, deny Everett's motion to appoint counsel, and dismiss the appeal. 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 in the decisional process.

DISMISSED