

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7507

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERMAINE ANTONIO ROSS, a/k/a Rock,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Robert J. Conrad,
Jr., District Judge. (3:13-cr-00263-RJC-14)

Submitted: February 16, 2017

Decided: February 22, 2017

Before GREGORY, Chief Judge, DUNCAN, Circuit Judge, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jermaine Antonio Ross, Appellant Pro Se. William Michael Miller,
Assistant United States Attorney, Charlotte, North Carolina;
Paul Bradford Taylor, OFFICE OF THE UNITED STATES ATTORNEY,
Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermaine Antonio Ross appeals from the district court's order denying his request for free copies of his plea and sentencing transcripts. Ross contends that his sentencing transcript is necessary to support a claim of ineffective assistance of counsel in a yet-to-be-filed 28 U.S.C. § 2255 (2012) motion. Because Ross has no pending § 2255 motion, and he may adequately raise his ineffective assistance of counsel claim in a § 2255 motion without the preparation of the transcripts, we affirm the district court's judgment. If Ross files a § 2255 motion, the district court may then consider whether an answer is required and whether transcript preparation or some other form of discovery is necessary to decide Ross' claim. See Rule 4(b), Rules Governing Section 2255 Proceedings (requiring court to examine § 2255 motion and determine if answer is required); Rule 5(c) (providing that court may order government to furnish transcripts); Rule 6(a) (allowing district court to authorize discovery for good cause). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED