

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-7700

JOHNNIE FRIMPONG-MANSO,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
Leonie M. Brinkema, District Judge.
(CR-99-62, CA-99-1650-AM)

Submitted: March 28, 2000

Decided: April 18, 2000

Before MICHAEL, TRAXLER, and KING, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Johnnie Frimpong-Manso, Appellant Pro Se. Andrew James
McKenna, OFFICE OF THE UNITED STATES ATTORNEY, Alex-
andria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Johnnie Frimpong-Manso seeks to appeal the district court's order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 1999). In his § 2255 motion, Frimpong-Manso asserted that counsel provided ineffective assistance by failing to (1) timely object to a six-point enhancement under U.S. Sentencing Guidelines Manual § 2L2.1(b)(2)(B) (1998), and (2) file a notice of appeal after the court overruled the objection to the six-point enhancement. In rejecting Frimpong-Manso's second claim, the district court did not have the benefit of the Supreme Court's decision in Roe v. Flores-Ortega, 120 S. Ct. 1029 (2000). We therefore grant a certificate of appealability, vacate the district court's order, and remand for further proceedings in light of Flores-Ortega. We express no opinion on the merits of Frimpong-Manso's motion. Finally, 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.

VACATED AND REMANDED