

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6346**

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LEWIS L. PENDLETON, II,

Petitioner - Appellant,

versus

CHARLES E. THOMPSON, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CA-99-291)

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Submitted: February 28, 2001

Decided: March 13, 2001

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Lewis L. Pendleton, II, Appellant Pro Se. Rick Randall Linker, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lewis L. Pendleton, II, a Virginia prisoner, appeals the district court's order denying relief on his action asserting that the Virginia Parole Board violated the Ex Post Facto Clause when, upon revoking his parole, it likewise revoked his previously earned good time credits. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny Pendleton's motion for appointment of counsel, deny a certificate of appealability, and dismiss on the reasoning of the district court. See Pendleton v. Thompson, No. CA-99-291 (W.D. Va. Feb. 16, 2000); see also Warren v. Baskerville, 233 F.3d 204 (4th Cir. 2000). 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