

Filed: August 8, 2000

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6741
(CA-86-995-HC-BO)

Edward A. Ganey, Jr.,

Petitioner - Appellant,

versus

David W. Chester, et al.,

Respondents - Appellees.

O R D E R

The court amends its opinion filed July 25, 2000, as follows:

On the cover sheet, section 3, line 3 -- the district court number is corrected to read "CA-86-995-HC-BO."

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6741

EDWARD A. GANEY, JR.,

Petitioner - Appellant,

versus

DAVID W. CHESTER; ATTORNEY GENERAL OF NORTH
CAROLINA,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of North Carolina, at Raleigh. Terrence W. Boyle, Chief Dis-
trict Judge. (CA-86-995-HC-BO)

Submitted: July 13, 2000

Decided: July 25, 2000

Before WIDENER, LUTTIG, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Edward A. Ganey, Jr., Appellant Pro Se. Clarence Joe DelForge, III,
OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edward A. Ganey, Jr., seeks to appeal three district court orders. We conclude that the district court properly construed Ganey's motion attacking his conviction and sentence as a successive petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000). Accordingly, the motion was properly denied as successive because Ganey did not have authorization from this court to file a successive § 2254 petition. See 28 U.S.C.A. § 2244 (West Supp. 2000). We also conclude that the court properly denied Ganey's motions seeking relief from the order denying his successive § 2254 petition, production of documents at government expense, and the district court judge's recusal. Accordingly, we deny a certificate of appealability 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 the decisional process.

DISMISSED