

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7238

GENE W. SEWARD,

Petitioner - Appellant,

versus

RONALD ANGELONE, Director, Department of
Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (CA-99-2129-2)

Submitted: December 14, 2000

Decided: December 20, 2000

Before WIDENER, WILKINS, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gene W. Seward, Appellant Pro Se. Linwood Theodore Wells, Jr., Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gene W. Seward appeals the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Seward v. Angelone, No. CA-99-2129-2 (E.D. Va. Aug. 4, 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

^{*} We note Seward's contention on appeal that he has been improperly denied parole eligibility for a criminal conviction preceding his third felony conviction. Because this contention is improperly raised for the first time on appeal, we decline to address it. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).