

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7431

ALBERT LEGARE,

Petitioner - Appellant,

versus

COLIE L. RUSHTON, Warden; STATE OF SOUTH CARO-
LINA; CHARLES MOLONY CONDON, Attorney General
of the State of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Margaret B. Seymour, District Judge.
(CA-99-289-2-24-AJ)

Submitted: March 30, 2001

Decided: April 24, 2001

Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Harry Leslie Devoe, Jr., New Zion, South Carolina, for Appellant.
Donald John Zelenka, Chief Deputy Attorney General, Columbia, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Albert Legare seeks to appeal 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 substantially on the reasoning of the district court.* Legare v. Rushton, No. CA-99-289-2-24-AJ (D.S.C. Aug. 30, 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

* Although the district court's order did not expressly address the magistrate judge's order denying Legare's motion for leave to proceed with discovery, we have reviewed the record and are convinced that the magistrate judge acted well within his discretion in denying the motion.