

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6435

RODERICK W. MILLER,

Petitioner - Appellant,

versus

EARL BESHEARS, Warden; ATTORNEY GENERAL OF THE
STATE MARYLAND,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Benson E. Legg, District Judge. (CA-98-
1603-L)

Submitted: July 24, 2001

Decided: August 1, 2001

Before WIDENER and WILLIAMS, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Roderick W. Miller, Appellant Pro Se. Ann Norman Bosse, OFFICE OF
THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Roderick W. Miller 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 and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court.* See Miller v. Beshears, No. CA-98-1603-L (D. Md. Feb. 2, 2001). 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

* Because we agree with the district court's conclusion that Miller failed to demonstrate prejudice from counsel's alleged error in not consulting him with regard to an appeal, see Roe v. Flores-Ortega, 528 U.S. 470, 484 (2000), we do not reach the issue of whether counsel's performance was in fact constitutionally deficient. See Strickland v. Washington, 446 U.S. 668, 688 (1984) (stating that if it is easier to resolve an ineffective assistance claim for lack of prejudice, the court may bypass a determination of competence).