

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6521

HERMAN DALE CATLETT,

Petitioner - Appellant,

versus

HOWARD PAINTER,

Respondent - Appellee,

and

ATTORNEY GENERAL OF THE STATE OF WEST VIRGINIA;
WARDEN, MOUNT OLIVE; MOUNT OLIVE RECORDS
DEPARTMENT,

Parties in Interest.

Appeal from the United States District Court for the Northern
District of West Virginia, at Martinsburg. W. Craig Broadwater,
District Judge. (CA-99-111-3)

Submitted: July 12, 2001

Decided: July 20, 2001

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Herman Dale Catlett, Appellant Pro Se. Dawn Ellen Warfield, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Herman Dale Catlett 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 affirm on the reasoning of the district court. Catlett v. Painter, No. CA-99-111-3 (N.D.W. Va. Mar. 20, 2001); see Duncan v. Walker, 121 S.Ct. 2120 (2001). We deny Catlett's motion to appoint counsel and 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.

AFFIRMED