

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7379

EDDIE DEAN PANNELL,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director of the Virginia
Department of Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Henry C. Morgan, Jr., District
Judge. (CA-00-706-2)

Submitted: February 21, 2002

Decided: March 4, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Eddie Dean Pannell, Appellant Pro Se. Robert H. Anderson, III,
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Eddie Dean Pannell appeals the district court's order denying his 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001) petition as untimely filed. We have reviewed the record, the district court's opinion, and Pannell's informal appellate brief. Because Pannell failed to challenge on appeal the basis for the district court's ruling, he has not preserved this issue for our review. 4th Cir. R. 34(b). In any event, it is clear that the district court correctly found Pannell's § 2254 petition untimely. Accordingly, we deny a certificate of appealability and dismiss the appeal. We also deny Pannell's motion for appointment of counsel. 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