

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7657

DAMION MONTEZ MOSLEY,

Petitioner - Appellant,

versus

RUSTBURG CORRECTIONAL UNIT #9,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CA-01-657-7)

Submitted: December 20, 2001

Decided: January 9, 2002

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Damion Montez Mosley, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Damion Montez Mosley appeals the district court's order dismissing without prejudice his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001) for failure to exhaust state remedies. 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 Mosley v. Rustburg Corr. Unit #9, No. CA-01-657-7 (W.D. Va. Aug. 30, 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