

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7950

MICHAEL ALLEN,

Petitioner - Appellant,

versus

JOHN TAYLOR, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge; David G. Lowe, Magistrate Judge. (CA-00-117-3)

Submitted: February 21, 2002

Decided: March 6, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Allen, Appellant Pro Se. Stephen R. McCullough, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Allen appeals the magistrate judge's* order dismissing his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001) because the relief sought in the petition, a belated appeal to a three-judge panel of the Virginia Court of Appeals, had been awarded to Allen. We have reviewed the record and the magistrate judge'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 Allen v. Taylor, CA-00-117-3 (E.D. Va. Oct. 23, 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

* The parties consented to proceed before a magistrate judge pursuant to 28 U.S.C.A. § 636(c) (West 1993 & Supp. 2001).