

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8099

TERRENCE AGNEW,

Petitioner - Appellant,

versus

DAVID A. GARRAGHTY,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-01-1743-AM)

Submitted: May 20, 2002

Decided: June 3, 2002

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Terrence Agnew, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Terrence Agnew seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny the motion to proceed on appeal in forma pauperis, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court.* See Agnew v. Garraghty, No. CA-01-1743-AM (E.D. Va. Nov. 27, 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

* Additionally, we find the district court's sua sponte dismissal of Agnew's petition does not implicate Hill v. Braxton, 277 F.3d 701, 707 (4th Cir. 2002), as Agnew failed to offer a valid basis that would justify either reliance on a later starting point in 28 U.S.C.A. § 2244(d)(1) (West Supp. 2001), or equitable tolling, thereby salvaging his otherwise untimely petition.