

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8101

TIMOTHY ROYAL KING,

Petitioner - Appellant,

versus

ROBERT SMITH, Superintendent; ATTORNEY GENERAL
OF NORTH CAROLINA,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. W. Earl Britt, Senior
District Judge. (CA-01-440-5-BR)

Submitted: March 21, 2002

Decided: March 28, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Timothy Royal King, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Timothy Royal King appeals the district court's order denying his motion for reconsideration of the 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 abuse of discretion. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See King v. Smith, No. CA-01-440-5-BR (E.D.N.C. Oct. 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

^{*} We note that King's appeal is timely only as to the district court's order denying reconsideration, and not as to the underlying order denying the petition. See Fed. R. App. P. 4(a)(4); In re Burnley, 988 F.2d 1, 3 (4th Cir. 1992).