

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6569

ROBERT VERNON LOVETTE,

Petitioner - Appellant,

versus

THEODIS BECK, Secretary, North Carolina
Department of Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. James A. Beaty, Jr.,
District Judge. (CA-01-1000-1)

Submitted: August 29, 2002

Decided: September 12, 2002

Before MOTZ and KING, Circuit Judges, and HAMILTON, Senior Circuit
Judge.

Dismissed by unpublished per curiam opinion.

Robert Vernon Lovette, Appellant Pro Se. Clarence Joe DelForge,
III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Vernon Lovette appeals the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and conclude that Lovette has not made a substantial showing of the denial of a constitutional right.* See Lovette v. Beck, No. CA-01-1000-1 (M.D.N.C. March 25, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Lovette'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

* We reach this conclusion assuming, without deciding, that Lovette's petition was timely under the one-year limitations period of the AEDPA. See 28 U.S.C. § 2244.