

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6582

CARLOS EUGENE KIPP,

Plaintiff - Appellant,

versus

WEST VIRGINIA DEPARTMENT OF CORRECTIONS,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Robert Earl Maxwell, Senior District Judge. (CA-99-102-2)

Submitted: June 20, 2002

Decided: June 27, 2002

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

Dismissed by unpublished per curiam opinion.

Carlos Eugene Kipp, Appellant Pro Se. Daynus Jividen, Charles Patrick Houdyschell, Jr., OFFICE OF THE ATTORNEY GENERAL, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carlos Eugene Kipp 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 a certificate of appealability and dismiss the appeal on the reasoning of the district court. Kipp v. West Virginia Dep't of Corrections, No. CA-99-102-2 (N.D.W. Va. Apr. 1, 2002). 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