

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6886**

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NORMAN PERRY HERBERT,

Petitioner - Appellant,

versus

LLOYD WATERS, Warden; ATTORNEY GENERAL FOR THE  
STATE OF MARYLAND,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. J. Frederick Motz, District Judge. (CA-  
01-2713-JFM)

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Submitted: September 5, 2002

Decided: September 17, 2002

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Before WILKINS, KING, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Norman Perry Herbert, Appellant Pro Se. John Joseph Curran, Jr.,  
Attorney General, Mary Ann Rapp Ince, OFFICE OF THE ATTORNEY  
GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Norman Perry Herbert 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 and conclude on the reasoning of the district court that Herbert has not made a substantial showing of the denial of a constitutional right. See Herbert v. Waters, No. CA-01-2713-JFM (D. Md. June 3, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). 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