

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6965**

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ROGER LEE JENKINS,

Petitioner -Appellant,

versus

MICHAEL COLEMAN, Acting Warden, Mount Olive  
Correctional Complex,

Respondent - Appellee,

and

HOWARD PAINTER, Warden,

Respondent.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Charleston. Joseph Robert Goodwin,  
District Judge. (CA-01-507-2)

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Submitted: November 21, 2002

Decided: December 12, 2002

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

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Dismissed by unpublished per curiam opinion.

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Roger Lee Jenkins, Appellant Pro Se. Heather Dawn Foster, Assistant  
Attorney General, Darrell V. McGraw, Jr., Dawn Ellen Warfield,  
OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Roger Lee Jenkins seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2254 (2000); he also challenges the denial of his motion to alter or amend the judgment. We have reviewed the record and conclude for the reasons stated by the district court that Jenkins has not made a substantial showing of the denial of a constitutional right. See Jenkins v. Painter, No. CA-01-507-2 (S.D.W. Va. May 14, 2002; July 15, 2002). Accordingly, we deny Jenkins' motion for 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