

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7274**

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VICTOR MANUEL MUNOZ,

Petitioner - Appellant,

versus

SHERWOOD R. MCCABE, Superintendent of Harnett  
Correctional Institute,

Respondent - Appellee.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. Wallace Wade Dixon,  
Magistrate Judge. (CA-02-01)

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Submitted: December 16, 2002

Decided: December 20, 2002

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Before LUTTIG, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Victor Manuel Munoz, Appellant Pro Se. Clarence Joe DelForge, III,  
OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North  
Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Victor Manuel Munoz seeks to appeal the magistrate judge's order granting Respondent's motion for summary judgment and denying relief on his petition filed under 28 U.S.C. § 2254 (2000). The parties consented to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c) (2000). On appeal, Munoz reasserts the Fourth Amendment claim he raised in the district court. Because the state courts afforded Munoz a full and fair opportunity to litigate the substance of his Fourth Amendment claims, he has not made a substantial showing of the denial of a constitutional right. See Stone v. Powell, 428 U.S. 465, 482 (1976). Munoz waived appellate review of his remaining claims because he did not raise them in his informal brief in this court. 4th Cir. R. 34(b). Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal.

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