

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7367

HEYWARD EUGENE JOHNSON,

Petitioner - Appellant,

versus

PHILLIP MCLEOD, Warden of Perry Correctional
Institution; CHARLES M. CONDON, Attorney
General of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Terry L. Wooten, District Judge.
(CA-01-4017)

Submitted: November 7, 2002

Decided: December 4, 2002

Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Heyward Eugene Johnson, Appellant Pro Se. William Edgar Salter,
III, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Heyward Eugene Johnson 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). We have reviewed the record and conclude on the reasoning of the district court that Johnson has not made a substantial showing of the denial of a constitutional right. See Johnson v. McLeod, No. CA-01-4017 (D.S.C. filed Aug. 29, 2002; entered Aug. 30, 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