

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6788**

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FORREST RAY KYLE,

Petitioner - Appellant,

v.

THOMAS MCBRIDE, Warden, Mt. Olive Correctional Complex;  
WARDEN DAVID BALLARD,

Respondents - Appellees.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Elkins. Robert E. Maxwell, Senior  
District Judge. (2:02-cv-00010-REM)

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Submitted: March 3, 2010

Decided: May 19, 2010

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Before MOTZ, KING, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Forrest Ray Kyle, Appellant Pro Se. Robert David Goldberg,  
Assistant Attorney General, Charleston, West Virginia, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Forrest Ray Kyle appeals the district court's orders accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2006) petition. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Kyle v. McBride, No. 2:02-cv-00010-REM (N.D. W. Va. Oct. 29, 2002; Mar. 24, 2009). We deny Kyle's motion to appoint counsel and 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.

AFFIRMED