

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7487

BRIAN KEITH HART,

Petitioner - Appellant,

versus

SNODDGRASS, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. David G. Lowe, Magistrate Judge. (CA-95-181-3)

Submitted: March 5, 1996

Decided: March 28, 1996

Before HALL and WILKINS, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brian Keith Hart, Appellant Pro Se. Richard Bain Smith, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying relief on his 28 U.S.C. § 2254 (1988) petition. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we grant a certificate of probable cause and affirm the district court. All of the Appellant's claims are procedurally barred, see Harris v. Reed, 489 U.S. 255 (1989); Wainright v. Sykes, 433 U.S. 72, 87 (1977), except those alleging that his trial attorney rendered ineffective assistance of counsel and that his sentence was excessive. The claims that are not procedurally barred, though, are without merit, as explained in the district court's opinion. Hart v. Snoddgrass, No. CA-95-181-3 (E.D. Va. Sept. 8, 1995). We deny the motion for bail pending appeal in light of this disposition. 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.

AFFIRMED