

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 95-7998**

---

JAMES BENJAMIN DAVIS, JR.,

Petitioner - Appellant,

versus

FRANKLIN E. FREEMAN, JR.; JACK TURLINGTON,

Respondents - Appellees.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, District Judge. (CA-95-134-5-HC-BR)

---

Submitted: May 16, 1996

Decided: May 31, 1996

---

Before RUSSELL, LUTTIG, and WILLIAMS, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Nora Henry Hargrove, Wilmington, North Carolina, for Appellant.  
Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks to appeal 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 deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. Davis v. Freeman, No. CA-95-134-5-HC-BR (E.D.N.C. Oct. 5, 1995). 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