

Filed: July 15, 1996

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6470
(CA-95-397-1)

James D. Haburn, Sr.,

Petitioner - Appellant,

versus

North Carolina Attorney General, et al,

Respondents - Appellees.

O R D E R

The Court amends its opinion filed June 6, 1996, as follows:

On the cover sheet, section 3 -- the district court information is corrected to read "Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, Sr., District Judge. (CA-95-397-1)"

On page 2, line 7 of the opinion -- "E.D.N.C." is corrected to read "M.D.N.C."

For the Court - By Direction

/s/ Bert M. Montague

Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6470

JAMES D. HABURN, SR.,

Petitioner - Appellant,

versus

NORTH CAROLINA ATTORNEY GENERAL; W. K. JONES,

Respondents - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, Sr., District Judge. (CA-95-397-1)

Submitted: May 16, 1996

Decided: June 6, 1996

Before RUSSELL, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James D. Haburn, Sr., Appellant Pro Se. Clarence Del Forge, 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Unpublished opinions are not binding precedent in this circuit.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 accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. Haburn v. North Carolina Attorney General, No. CA-95-397-1 (M.D.N.C. Mar. 7, 1996). 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