

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-7302**

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RICHARD R. MCCLEARY,

Petitioner - Appellant,

versus

EARL D. BESHEARS; ATTORNEY GENERAL OF THE  
STATE OF MARYLAND,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CA-  
96-1572-S)

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Submitted: August 5, 1997

Decided: August 27, 1997

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

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Dismissed by unpublished per curiam opinion.

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Richard R. McCleary, Appellant Pro Se. Tarra R. DeShields-Minnis,  
OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.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 petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997). 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. McCleary v. Beshears, No. CA-96-1572-S (D. Md. July 30, 1996). We deny Appellant's motion for appointment of counsel. 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