

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 96-7830**

---

FRANK M. GASTER,

Petitioner - Appellant,

versus

BERNARD MCKIE, Warden; CHARLES M. CONDON, At-  
torney General of the State of South Carolina,

Respondents - Appellees.

---

Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Henry M. Herlong, Jr., District  
Judge. (CA-96-1115-2-20AJ)

---

Submitted: August 28, 1997

Decided: September 10, 1997

---

Before WILKINS, WILLIAMS, and MICHAEL, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Frank M. Gaster, Appellant Pro Se. Donald John Zelenka, Chief  
Deputy Attorney General, Columbia, South 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Unpublished opinions are not binding precedent in this circuit.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 petition filed under 28 U.S.C. § 2254 (1994) (current version at 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997)). 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 probable cause to appeal and dismiss the appeal on the reasoning of the district court. Gaster v. McKie, No. CA-96-1115-2-20AJ (D.S.C. Nov. 6, 1996). See Lindh v. Murphy, 521 U.S. \_\_\_, 1997 WL 338568 (U.S. June 23, 1997) (No. 96-6298). 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