

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6518**

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GLADSTONE NEYSMITH, a/k/a Fitzroy G. Blake,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director, Virginia Department of Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. David G. Lowe, Magistrate Judge. (CA-96-706)

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Submitted: September 11, 1997      Decided: September 22, 1997

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Before RUSSELL, MURNAGHAN, and HAMILTON, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gladstone Neysmith, Appellant Pro Se. Kimberley Ann Whittle, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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 magistrate judge's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997).<sup>\*</sup> We have reviewed the record and the magistrate judge's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the magistrate judge. Neysmith v. Angelone, No. CA-96-706 (E.D. Va. Apr. 3, 1997). 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

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<sup>\*</sup> The parties consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c) (1994).