

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6539

MICHAEL CARNES,

Petitioner - Appellant,

versus

CHARLES J. CEPAK, Warden; CHARLES M. CONDON,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. Matthew J. Perry, Jr., Senior District Judge. (CA-96-321-4-10BE)

Submitted: March 24, 1998

Decided: April 7, 1998

Before ERVIN, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Isaac Diggs, DIGGS DANIELSEN, L.L.C., Myrtle Beach, South Carolina, for Appellant. Lauri J. Soles, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant Michael Carnes appeals 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 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. Carnes v. Cepak, No. CA-96-321-4-10BE (D.S.C. Mar. 20, 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