

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6733

EMMANUEL FLEMMING,

Plaintiff - Appellant,

versus

MICHAEL MOORE, Director; WILLIAM E. GUNN,
Director; CHARLES M. CONDON, Attorney General,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Charles E. Simons, Jr., Senior
District Judge. (CA-96-3351-0-06BD)

Submitted: August 13, 1998

Decided: August 28, 1998

Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Emmanuel Fleming, Appellant Pro Se. Shelton Sterling Laney, III,
HOLCOMBE, BOMAR, COTHRAN, GUNN & BRADFORD, P.A., Spartanburg, South
Carolina; Carl Norman Lundberg, SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE & PARDON SERVICES, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998). 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. Flemming v. Moore, No. CA-96-3351-0-06BD (D.S.C. May 5, 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