

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6905

QUINCY CORBETT, JR.,

Petitioner - Appellant,

versus

M. L. POLK,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-97-443-5-HC-BO)

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Dismissed by unpublished per curiam opinion.

Quincy Corbett, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from a district court order that concluded his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998) was barred by the one-year limitations period of 28 U.S.C.A. § 2244(d)(1) (West Supp. 1998). Appellant's conviction became final in 1984 after Appellant did not note an appeal from his August 14, 1984 conviction. He filed his habeas petition on June 3, 1997. Appellant had until April 23, 1997 to file his § 2254 petition. See Brown v. Angelone, ___ F.3d ___, 1998 WL 389030 (4th Cir. July 14, 1998) (Nos. 96-7173, 96-7208). Therefore, as the district court correctly found, his petition was time barred. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. Corbett v. Polk, No. CA-97-443-5-HC-BO (E.D.N.C. June 13, 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