

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7085

HENRY C. WARTH,

Petitioner - Appellant,

versus

WARDEN, Mount Olive Correctional Complex; WEST
VIRGINIA BOARD OF PROBATION AND PAROLE,

Respondents - Appellees,

and

STATE OF WEST VIRGINIA,

Respondent.

Appeal from the United States District Court for the Southern Dis-
trict of West Virginia, at Huntington. Charles H. Haden II, Chief
District Judge. (CA-96-798-3)

Submitted: August 25, 1998

Decided: September 17, 1998

Before NIEMEYER and MICHAEL, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Henry C. Warth, Appellant Pro Se. Chad Marlo Cardinal, Assistant Attorney General, Darrell V. McGraw, Jr., Scott E. Johnson, Dawn Ellen Warfield, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia, 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Unpublished opinions are not binding precedent in this circuit.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. Warth v. Warden, No. CA-96-798-3 (S.D.W. Va. July 11, 1997). To the extent that Appellant raises issues on appeal that were not presented in his § 2254 petition to the district court, we decline to address the issues. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). 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