

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-7225**

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ISIAH JAMES, JR.,

Petitioner - Appellant,

versus

MICHAEL MOORE, Director; JAMES BEAM, Warden;  
ATTORNEY GENERAL OF SOUTH CAROLINA,

Respondents - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Columbia. G. Ross Anderson, Jr., District Judge. (CA-97-627-13BD)

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Submitted: November 20, 1997

Decided: December 10, 1997

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Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

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Affirmed as modified by unpublished per curiam opinion.

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Isiah James, Jr., Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Robert F. Daley, Jr., Assistant Attorney General, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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 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, although we grant a certificate of appealability and modify the district court's order to reflect that the petition is dismissed without prejudice, we affirm the order as modified on the reasoning of the district court. James v. Moore, No. CA-97-627-13BD (D.S.C. Aug. 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.

AFFIRMED AS MODIFIED