

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7244

LESTER CARTER,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; ATTORNEY GENERAL OF
THE STATE OF SOUTH CAROLINA,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. C. Weston Houck, Chief District
Judge. (CA-96-2711-4-12BE)

Submitted: April 29, 1998

Decided: May 14, 1998

Before MURNAGHAN, NIEMEYER, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Lester Carter, Appellant Pro Se. Donald John Zelenka, Chief Deputy
Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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. 1998). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal. To the extent that 28 U.S.C.A. § 2254(i) applies to Appellant's claims, they are non-cognizable. See 28 U.S.C.A. § 2254(i); Lindh v. Murphy, 521 U.S. ____, 65 U.S.L.W. 4557 (U.S. June 23, 1997) (No. 96-6298). Even if § 2254(i) does not apply, Appellant's claims are without merit. See Coleman v. Thompson, 501 U.S. 722, 752 (1991) (holding that a prisoner does not have a right to counsel during post-conviction proceedings after his first appeal of right; without such a right, there can be no claim of ineffective assistance). 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