

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7579

ISTIVAN CLEVONDON DOUGLAS,

Petitioner - Appellant,

versus

ATTORNEY GENERAL OF NORTH CAROLINA; M. L.
POLK, III,

Respondents - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Salisbury. James A. Beaty, Jr., District Judge. (CA-96-744-4)

Submitted: October 8, 1998

Decided: October 21, 1998

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Istivan Clevondon Douglas, Appellant Pro Se. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Istivan Clevondon Douglas 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 accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability, deny Douglas' motion for summary judgment, and dismiss the appeal on the reasoning of the district court. Douglas v. Attorney Gen., No. CA-96-744-4 (M.D.N.C. Oct. 7, 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