

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7608

TIMOTHY LEE CREED,

Petitioner - Appellant,

versus

NORTH CAROLINA ATTORNEY GENERAL; J. V.
TURLINGTON,

Respondents - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Rockingham. N. Carlton Tilley, Jr., District Judge. (CA-96-932-3)

Submitted: May 14, 1998

Decided: May 26, 1998

Before WIDENER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Timothy Lee Creed, Appellant Pro Se. Rebecca Kendrick Cleveland, Assistant Attorney General, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Timothy Lee Creed 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 and dismiss the appeal on the reasoning of the district court. Creed v. North Carolina Attorney General, No. CA-96-932-3 (M.D.N.C. July 18, 1997). We also deny Creed's motion for appointment of counsel. 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