

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6177**

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GREGORY A. KISSINGER,

Petitioner - Appellant,

versus

GEORGE M. MCMILLAN, Sheriff, Roanoke City,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CA-98-66-R)

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Submitted: May 12, 1998

Decided: June 2, 1998

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Before MURNAGHAN and WILLIAMS, Circuit Judges, and HALL, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Gregory A. Kissinger, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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 without prejudice 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 on the reasoning of the district court. Kissinger v. McMillan, No. CA-98-66-R (W.D. Va. Jan. 29, 1998). 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