

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6183**

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ROGER KOONCE,

Petitioner - Appellant,

versus

CHARLES CREECY,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-97-255-HC-H)

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Submitted: August 13, 1998

Decided: September 1, 1998

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Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Roger Koonce, Appellant Pro Se. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Roger Koonce 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. We also decline to consider Koonce's claims which he raises for the first time on appeal.\* See Spencer v. Murray, 5 F.3d 758, 762 (4th Cir. 1993) (finding that habeas claims must be raised in the district court to be considered on appeal). 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

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\* Those claims are that: (1) the trial court erroneously denied his motion to dismiss the charges in light of the fact that the evidence was insufficient to convict him; (2) he was denied the right to present evidence in his own defense; (3) he effectively entered a guilty plea involuntarily; (4) the prosecutor engaged in misconduct; (5) his sentence was too high; and (6) his attorney engaged in numerous instances of ineffective assistance of counsel.