

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6387

KENNETH SIDBERRY,

Petitioner - Appellant,

versus

STEVE BAILEY, Superintendent of Foothills Cor-
rectional Center; MACK JARVIS, Secretary of
the North Carolina Department of Correction,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of North Carolina, at Raleigh. James C. Fox, District Judge.
(CA-97-243-5-F3)

Submitted: November 5, 1998

Decided: January 11, 1999

Before ERVIN, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kenneth Sidberry, 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Unpublished opinions are not binding precedent in this circuit.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:

Kenneth Sidberry 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. Sidberry v. Bailey, No. CA-97-243-5-F3 (E.D.N.C. Feb. 11, 1998). We also deny Sidberry'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