

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6428

DARRELL COOK,

Petitioner - Appellant,

versus

GEORGE P. DODSON, Warden; ATTORNEY GENERAL OF
VIRGINIA,

Respondents - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CA-97-297-R)

Submitted: May 14, 1998

Decided: June 3, 1998

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

Dismissed by unpublished per curiam opinion.

Darrell Cook, Appellant Pro Se. Steven Andrew Witmer, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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 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 substantially on the reasoning of the district court. Cook v. Dodson, No. CA-97-297-R (W.D. Va. Mar. 16, 1998). We decline to consider Appellant's challenge to the constitutionality of 28 U.S.C.A. § 2254(d) because this claim was raised for the first time on appeal. See United States v. Bornstein, 977 F.2d 112, 115 (4th Cir. 1992). 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