

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6492

JOHN DINO MARTIN,

Petitioner - Appellant,

versus

STATE OF WEST VIRGINIA; ATTORNEY GENERAL OF
THE STATE OF WEST VIRGINIA; WEST VIRGINIA
DEPARTMENT OF CORRECTIONS; THE UNITED STATES
ATTORNEY GENERAL; JOHN DOE, 1-5,

Respondents - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Wheeling. Frederick P. Stamp, Jr.,
Chief District Judge. (CA-96-159-5)

Submitted: June 18, 1998

Decided: July 9, 1998

Before MURNAGHAN and WILKINS, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

John Dino Martin, Appellant Pro Se. Darrell V. McGraw, Jr., Dawn
Ellen Warfield, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA,
Charleston, West Virginia; Patrick Michael Flatley, Assistant
United States Attorney, Wheeling, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant 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 Appellant's motion for a certificate of appealability and dismiss the appeal on the reasoning of the district court. Martin v. West Virginia, No. CA-96-159-5 (N.D.W. Va. Mar. 27, 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