

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6841

LUTHER CARTER SPAIN, JR.,

Petitioner - Appellant,

versus

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (CA-98-216-2)

Submitted: September 30, 1998

Decided: October 15, 1998

Before ERVIN, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Luther Carter Spain, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Luther Carter Spain, Jr., seeks to appeal the district court's orders denying relief on his action construed as a petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998) and denying his motion to reconsider the judgment. We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. Spain v. Virginia, No. CA-98-216-2 (E.D. Va. April 24, 1998 & June 3, 1998). We deny Spain's motion for this court to adjudicate the civil action on the merits. We deny Spain's motion for 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