

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7151

ELMORE MCLEMORE, a/k/a Billy Molden,

Petitioner - Appellant,

versus

P. PITZER, BOP Warden; ATTORNEY GENERAL OF THE
STATE OF MARYLAND,

Respondents - Appellees.

No. 98-7152

ELMORE MCLEMORE, a/k/a William McGinnis, a/k/a
Billy Molden,

Petitioner - Appellant,

versus

P. PITZER, BOP Warden; ATTORNEY GENERAL OF THE
STATE OF MARYLAND,

Respondents - Appellees.

Appeals from the United States District Court for the District of Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CA-98-2183-S, CA-98-2204-S)

Submitted: December 17, 1998

Decided: January 6, 1999

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Elmore McLemore, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In these consolidated cases, Elmore McLemore appeals from district court orders dismissing his petitions filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998), as barred by the one-year limitations period of 28 U.S.C.A. § 2244(d)(1) (West Supp. 1998). In 98-7151, McLemore's Maryland conviction for theft became final in 1988, when he did not note an appeal from his guilty plea. He filed his federal habeas petition on July 7, 1998. McLemore had until April 23, 1997 to file his § 2254 petition. See Brown v. Angelone, 150 F.3d 370 (4th Cir. 1998). Even excluding the period tolled while McLemore pursued his state post-conviction remedies, 28 U.S.C. § 2244(d), his petition was time-barred. In 98-7152, McLemore's Maryland conviction for battery became final in 1987, when he did not note an appeal from his guilty plea. The federal petition was filed on July 9, 1998. Again excluding the period during which McLemore pursued his state post-conviction remedies, this petition was time-barred. Accordingly, we deny a certificate of appealability and dismiss the appeals on the reasoning of the district court. 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