

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 98-7181**

---

JOSEPH A. SILVESTRI,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director of the Virginia  
Department of Corrections,

Respondent - Appellee.

---

Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Norfolk. Raymond A. Jackson, District Judge.  
(CA-97-983-2)

---

Submitted: May 11, 1999

Decided: June 2, 1999

---

Before ERVIN and TRAXLER, Circuit Judges, and BUTZNER, Senior Cir-  
cuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Joseph A. Silvestri, Appellant Pro Se. Margaret Ann Bullock Walker,  
Assistant Attorney General, Richmond, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph A. Silvestri seeks to appeal the district court's order adopting the report and recommendation of the magistrate judge and 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 on the reasoning of the district court. Silvestri v. Angelone, No. CA-97-983-2 (E.D. Va. July 1, 1998). We also deny Silvestri's motion to proceed on appeal in forma pauperis. See Dillard v. Liberty Loan Corp., 626 F.2d 363, 364 (4th Cir. 1980) (quoting Kinney v. Plymouth Rock Squab Co., 236 U.S. 43, 46 (1915)). 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