

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7188

JOE WESLEY MCGIBBONEY,

Petitioner - Appellant,

versus

ATTORNEY GENERAL OF NORTH CAROLINA; NORTH
CAROLINA DEPARTMENT OF CORRECTION,

Respondents - Appellees.

Appeal from the United States District Court for the Middle Dis-
trict of North Carolina, at Durham. Frank W. Bullock, Jr., Chief
District Judge. (CA-98-88-1)

Submitted: February 25, 1999

Decided: March 8, 1999

Before HAMILTON, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Joe Wesley McGibboney, Appellant Pro Se. Clarence Joe DelForge,
III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh,
North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joe Wesley McGibboney 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 leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal on the reasoning of the district court. See McGibboney v. Attorney General of North Carolina, No. CA-98-88-1 (M.D.N.C. July 24, 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