

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7423

DAVID M. GARCIA,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; CHARLES CONDON, At-
torney General of the State of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Joseph F. Anderson, Jr., District
Judge. (CA-97-1374-3-17BC)

Submitted: February 11, 1999

Decided: February 24, 1999

Before ERVIN, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David M. Garcia, Appellant Pro Se. Donald John Zelenka, Chief
Deputy Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David M. Garcia 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) and his motion to reconsider. We have reviewed the record and the district court's opinion, accepting the magistrate judge's recommendation, and the order denying reconsideration and find no reversible error. Accordingly, we deny Garcia's motion for a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Garcia v. South Carolina, No. CA-97-1374-3-17BC (D.S.C. Aug. 7 & Sept. 8, 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

^{*} Pursuant to Fed. R. Civ. P. 58 and 79(a), the orders from which Garcia appeals were entered on the district court's docket August 7 and September 8, 1998. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).