

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7465**

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ROBERT CHARLES JOHNSTON,

Petitioner - Appellant,

versus

NORTH CAROLINA ATTORNEY GENERAL; STATE OF  
NORTH CAROLINA,

Respondents - Appellees.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Paul Trevor Sharp, Magistrate Judge. (CA-97-1216-1)

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Submitted: April 20, 1999

Decided: May 13, 1999

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Before ERVIN, WILKINS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Thomas Franklin Loflin, III, LOFLIN & LOFLIN, Durham, North Carolina, for Appellant. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Charles Johnston seeks to appeal the magistrate judge'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 magistrate judge's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the magistrate judge. See Johnston v. North Carolina Attorney Gen., No. CA-97-1216-1 (M.D.N.C. Sept. 2, 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