

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7583

THOMAS HARRISON ENSMINGER,

Petitioner - Appellant,

versus

GEORGE W. TRENT, Warden, Mount Olive Correc-
tional Center,

Respondent - Appellee.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. Robert Earl Maxwell, Senior
District Judge. (CA-97-113-2)

Submitted: January 26, 1999

Decided: March 4, 1999

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Thomas Harrison Ensminger, Appellant Pro Se. Scott E. Johnson, OF-
FICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thomas Ensminger appeals the district court's judgment and order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998) and denying his motion for appointment of counsel. We have reviewed the record and the district court's order and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Ensminger v. Trent, No. CA-97-113-2 (N.D.W. Va. Sept. 29, 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