

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7730**

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JOHN FREDERICK BALLENTINE,

Petitioner - Appellant,

versus

WARDEN OF GREENSVILLE CORRECTIONAL CENTER,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CA-97-181-R)

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Submitted: April 27, 1999

Decided: June 8, 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Dismissed by unpublished per curiam opinion.

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John Frederick Ballentine, Appellant Pro Se. Thomas Drummond Bagwell, Assistant Attorney General, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM

John F. Ballentine 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 denying his motion for reconsideration. 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 his request for appointment of counsel, deny his request for a hearing, deny a certificate of appealability, and dismiss the appeal substantially on the reasoning of the district court. See Ballentine v. Warden, Greenville Corr. Ctr., No. CA-98-181-R (W.D. Va. Oct. 2 & 26, 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