

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6153

ALPHONSO EUGENE ALSTON,

Petitioner - Appellant,

versus

J. J. CLARK,

Respondent - Appellee.

Appeal from the United States District Court for the District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-98-519-HC-5-B0)

Submitted: June 8, 1999

Decided: August 3, 1999

Before WIDENER, NIEMEYER, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Alphonso Eugene Alston, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Alphonso Eugene Alston seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999). In February 1984, Alston was convicted of misdemeanor assault on a correctional officer in Wake County District Court in Raleigh, North Carolina, and sentenced to two years' incarceration. Alston, who is currently serving a federal sentence, filed no appeals or collateral attacks as to his 1984 conviction and did not execute his § 2254 petition until June 8, 1998. He has presumably served his sentence for the 1984 conviction. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Alston v. Clark, No. CA-98-519-HC-5-BO (E.D.N.C. Jan. 14, 1999). 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