

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6273

ANDREW V. KIRKMAN,

Petitioner - Appellant,

versus

NORTH CAROLINA ATTORNEY GENERAL; JACK TURLINGTON,

Respondents - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., Chief District Judge. (CA-97-947-1)

Submitted: September 9, 1999

Decided: September 14, 1999

Before ERVIN, WILKINS, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Andrew V. Kirkman, Appellant Pro Se. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Andrew V. Kirkman 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). 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 a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Kirkman v. North Carolina Att'y Gen., No. CA-97-947-1 (M.D.N.C. Feb. 10, 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

*Although the district court's order is marked as "filed" on February 9, 1999, the district court's records show that it was entered on the docket sheet on February 10, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).