

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6576**

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GARY SHEPPARD,

Petitioner - Appellant,

versus

HOWARD PAINTER, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Southern District of West Virginia, at Parkersburg. Joseph Robert Goodwin, District Judge. (CA-98-839-6)

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Submitted: July 8, 1999

Decided: July 15, 1999

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Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Matthew Anthony Victor, Charleston, West Virginia, for Appellant.  
Scott E. Johnson, Kristine Marie Howard, OFFICE OF THE ATTORNEY  
GENERAL OF WEST VIRGINIA, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gary Sheppard 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 Sheppard v. Painter, No. CA-98-839-6 (S.D.W. Va. Apr. 13, 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