

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7071**

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DONALD L. SPENCER,

Petitioner - Appellant,

versus

D. A. GARRAGHTY, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CA-97-509-3)

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Submitted: January 25, 2000

Decided: February 4, 2000

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Before LUTTIG and WILLIAMS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Donald L. Spencer, Appellant Pro Se. Robert H. Anderson, III, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donald L. Spencer seeks to appeal the district court's order denying his Fed. R. Civ. P. 60(b) motion for relief from the denial of 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 and find no reversible error. Accordingly, while we grant Spencer's motion to supplement his motion for a certificate of appealability, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Spencer v. Garraughty, No. CA-97-509-3 (E.D. Va. June 30, 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