UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7108

STANLEY WALLACE MILLER,

Petitioner - Appellant,

versus

WARDEN, KEEN MOUNTAIN,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CA-99-446-7)

Submitted: September 30, 1999 Decided: October 8, 1999

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Stanley Wallace Miller, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Stanley Wallace Miller 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).[1] 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 Miller v. Warden, Keen Mountain, No. CA-99-446-7 (W.D. Va. June 18, 1999).[2] 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

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[1] Because the district court's order informed Miller that he had sixty days to appeal, we consider his notice of appeal timely filed. See Fed. R. App. P. 4(a); Butler v. Coral Volkswagen, Inc., 804 F.2d 612, 615-17 (11th Cir. 1986).

[2] Although the district court's order is marked "filed" on June 17, 1999, the district court's records show that it was entered on the docket sheet on June 18, 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).