

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7265**

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LEE CLARKE,

Petitioner - Appellant,

versus

THE SHERIFF OF THE CITY OF ARLINGTON COUNTY,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CA-99-1093-AM)

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Submitted: December 16, 1999

Decided: December 30, 1999

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Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Lee Clarke, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lee Clarke seeks to appeal the district court's order dismissing without prejudice 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, we deny Clarke's motion for appointment of counsel, deny a certificate of appealability, and dismiss the appeal on the reasoning of the district court. See Clarke v. Sheriff of the City of Arlington County, No. CA-99-1093-AM (E.D. Va. July 29, 1999).<sup>\*</sup> 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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<sup>\*</sup> Although the district court's order is marked as "filed" on July 27, 1999, the district court's records show that it was entered on the docket sheet on July 29, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that 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).