

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7335**

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MCKINLEY LUTHER AIKENS,

Petitioner - Appellant,

versus

ROBERT EZZEL; MICHAEL F. EASLEY,

Respondents - Appellees.

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Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, Chief District Judge. (CA-99-109-1-1-MU)

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Submitted: November 18, 1999

Decided: November 24, 1999

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Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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McKinley Luther Aikens, Appellant Pro Se. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

McKinley Luther Aikens 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 and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Aikens v. Ezzel, No. CA-99-109-1-1-MU (W.D.N.C. Sept. 24, 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