

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6095

FLOYD EDWARD HEATH,

Petitioner - Appellant,

versus

RUSSELL GINN,

Respondent - Appellee.

No. 00-6096

PAUL EDWARD HEATH,

Petitioner - Appellant,

versus

RUSSELL GINN,

Respondent - Appellee.

No. 00-7475

JEFFREY LYNN HEATH,

Petitioner - Appellant,

versus

RUSSELL GINN,

Respondent - Appellee.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge, and Malcolm J. Howard, District Judge. (CA-99-690-5-BO, CA-99-691-5-BO, CA-99-692-5-H)

Submitted: February 9, 2001

Decided: February 22, 2001

Before WIDENER and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Nos. 00-6095 and 00-6096 affirmed and No. 00-7475 dismissed by unpublished per curiam opinion.

W. Gregory Duke, BLOUNT & DUKE, Greenville, North Carolina for Appellants. Michael F. Easley, Attorney General, Clarence Joe DelForge, III, Assistant Attorney General, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Petitioners Paul Edward Heath, Jeffrey Lynn Heath, and Floyd Edward Heath appeal the district court's orders denying relief on their 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) petitions. Jeffrey Heath's petition was denied as untimely, while Paul Heath and Floyd Heath's petitions were summarily dismissed on the merits.

It appears that all three petitions were untimely filed. 28 U.S.C.A. § 2244(d) (West Supp. 2000). Moreover, the double jeopardy claims raised by the Heaths are squarely foreclosed by this court's recent holding in Vick v. Williams, 233 F.3d 213 (4th Cir. 2000).

Accordingly, with regard to Jeffrey Lynn Heath we deny a certificate of appealability and dismiss the appeal. With regard to Paul Edward and Floyd Edward Heath, we affirm the district court's orders dismissing their petitions. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and oral argument would not aid the decisional process.

No. 00-6095 - AFFIRMED

No. 00-6096 - AFFIRMED

No. 00-7475 - DISMISSED