

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6476**

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DAVID RAY HUBBARD,

Petitioner - Appellant,

versus

HOWARD PAINTER, Warden, Mount Olive Correc-  
tional Complex,

Respondent - Appellee.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Beckley. Charles H. Haden II, Chief  
District Judge. (CA-99-328-5)

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Submitted: August 31, 2000

Decided: September 15, 2000

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Before WILKINS, WILLIAMS, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David Ray Hubbard, Appellant Pro Se. Darrell V. McGraw, Jr., Leah  
Perry Macia, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA,  
Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David Ray Hubbard seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny leave to proceed in forma pauperis, deny the motion for a certificate of appealability, and dismiss the appeal on the reasoning of the district court. See Hubbard v. Painter, No. CA-99-328-5 (S.D.W. Va. Mar. 6, 2000). 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