

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 00-6521**

---

SAMUEL R. ANSTEY,

Petitioner - Appellant,

versus

HOWARD PAINTER, Mount Olive Correctional Com-  
plex, Warden,

Respondent - Appellee.

---

Appeal from the United States District Court for the Southern  
District of West Virginia, at Beckley. David A. Faber, District  
Judge. (CA-99-120-5)

---

Submitted: September 20, 2001

Decided: October 9, 2001

---

Before MICHAEL, MOTZ, and KING, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Samuel R. Anstey, Appellant Pro Se. Leah Perry Macia, BAILEY &  
GLASSER, L.L.P., Charleston, West Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Samuel R. Anstey 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 Anstey's motion for a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Anstey v. Painter, No. CA-99-120-5 (S.D.W. Va. Mar. 16, 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