

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6847

ROGER GENE POWERS,

Petitioner - Appellant,

versus

COLIE L. RUSHTON, Warden; CHARLES M. CONDON,
Attorney General of the State of South
Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Margaret B. Seymour, District Judge.
(CA-99-3128-3-24BC)

Submitted: November 30, 2000

Decided: December 27, 2000

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Roger Gene Powers, Appellant Pro Se. Jeffrey Alan Jacobs, OFFICE
OF THE ATTORNEY GENERAL, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Roger Gene Powers 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 and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Powers v. Rushton, No. CA-99-3128-3-24BC (D.S.C. May 31, 2000). We further deny Appellee's motion to dismiss the appeal* and Powers' motion to stay pending request for a certificate of appealability. 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

* In the absence of a separate motion for certificate of appealability, Powers' notice of appeal is construed as a motion for a certificate of appealability in this court. Fed. R. App. P. 22(b).