

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6212**

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DOUGLAS ALAN WINBUSH,

Petitioner - Appellant,

versus

PATRICK T. CASEY,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of North Carolina, at Shelby. Graham C. Mullen, Chief District Judge. (CA-97-157-MU)

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Submitted: April 20, 2001

Decided: May 15, 2001

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Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

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Affirmed in part and dismissed in part by unpublished per curiam opinion.

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Douglas Alan Winbush, Appellant Pro Se. Teresa Lynn Harris, Special Deputy Attorney General, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Douglas Alan Winbush appeals 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 affirm on the reasoning of the district court as to Winbush's claims of ineffectiveness of trial counsel, constitutional violations by the trial court's denial of his mid-trial motion for continuance, and error by the trial court in admitting a witness's in-court identification. We further deny a certificate of appealability and dismiss the appeal as to Winbush's claims of Fourth Amendment violations, constitutional violations as a result of erroneous jury instructions, and insufficiency of the evidence. Winbush v. Casey, No. CA-97-157-MU (W.D.N.C. Jan. 5, 2001). We grant leave to proceed in forma pauperis and deny Winbush's motion for appointment of counsel. 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.

AFFIRMED IN PART; DISMISSED IN PART