

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6704

DOUGLAS MALCOLM GARNER,

Petitioner - Appellant,

versus

MIKE BELL, Superintendent,

Respondent - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CA-00-808-1)

Submitted: October 17, 2001

Decided: October 26, 2001

Before MOTZ and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Stanley Franklin Hammer, WYATT, EARLY, HARRIS & WHEELER, L.L.P., High Point, North Carolina, for Appellant. Sandra Wallace-Smith, Assistant Attorney General, Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Douglas Malcolm Garner seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001). We have considered the arguments set forth in the parties' informal briefs on appeal. Our review of the record and the district court's opinion accepting the recommendation of the magistrate judge leads us to conclude that there is no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. Garner v. Bell, No. CA-00-808-1 (M.D.N.C. Mar. 30, 2001). 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