

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7519

ANTHONY QUE MCCULLOUGH,

Petitioner - Appellant,

versus

DAVID A. GARRAGHTY, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CA-01-503-7)

Submitted: January 31, 2002

Decided: February 7, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Anthony Que McCullough, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anthony Que McCullough seeks to appeal the district court's order denying his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001). We have reviewed the record, the district court's opinion, and McCullough's informal brief filed in this court. Because McCullough fails to challenge on appeal the district court's finding that his § 2254 petition was untimely, he has not preserved that issue for our review. 4th Cir. R. 34(b). Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. McCullough v. Garraghty, No. CA-01-503-7 (W.D. Va. July 10, 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