

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6229**

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SAMUEL ALANDO WALKER,

Petitioner - Appellant,

versus

EARNEST R. SUTTON,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. James C. Fox, Senior  
District Judge. (CA-01-277-5-FO)

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Submitted: May 16, 2002

Decided: May 23, 2002

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Samuel Alando Walker, Appellant Pro Se. Clarence Joe DelForge, III,  
OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, 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Unpublished opinions are not binding precedent in this circuit.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:

Samuel Alando Walker 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 reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court concluding that Walker's claims that the State withheld evidence of a psychiatric evaluation and destroyed potentially exculpatory evidence were procedurally barred and his remaining claims without merit. See Walker v. Sutton, No. CA-01-277-5-FO (E.D.N.C. Jan. 18, 2002). 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