

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 02-7134**

---

TIMOTHY L. SIMMS,

Petitioner - Appellant,

versus

ALTON BASKERVILLE, Warden, Powhatan  
Correctional Center,

Respondent - Appellee.

---

Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Samuel G. Wilson, Chief District  
Judge. (CA-02-621-7)

---

Submitted: September 19, 2002      Decided: September 30, 2002

---

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Timothy L. Simms, Appellant Pro Se. Linwood Theodore Wells, Jr.,  
Assistant Attorney General, Richmond, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Timothy L. Simms seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We have reviewed the record and the district court's opinion and conclude on the reasoning of the district court that Simms has not made a substantial showing of the denial of a constitutional right. See Simms v. Baskerville, No. CA-02-621-7 (W.D. Va. July 18, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). 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