

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6323

HABAKKUK E. BEN YOWEL,

Plaintiff - Appellant,

versus

G. K. WASHINGTON, Warden, Buckingham
Correctional Center; VIRGINIA DEPARTMENT OF
CORRECTIONS,

Respondents - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. James C. Turk, Senior District
Judge. (CA-02-1252-7)

Submitted: April 17, 2003

Decided: April 24, 2003

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Habakkuk E. Ben Yowel, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Habakkuk E. Ben Yowel seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We have independently reviewed the record and conclude that Yowel has not made a substantial showing of the denial of a constitutional right. See Miller-El v. Cockrell, 123 S. Ct. 1029 (2003). Accordingly, we deny a certificate of appealability, as well as Yowel's motion for appointment of counsel, 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