

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6399**

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RICHARD LEON GROAT,

Petitioner - Appellant,

versus

MICHAEL COLEMAN, Acting Warden Mount Olive  
Correctional Center,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Clarksburg. Irene M. Keeley, Chief  
District Judge. (CA-02-7-1)

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Submitted: June 12, 2003

Decided: June 17, 2003

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Before WIDENER, LUTTIG, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Richard Leon Groat, Appellant Pro Se. Dawn Ellen Warfield, OFFICE  
OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard Leon Groat seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We have independently reviewed the record and conclude that Groat has not made a substantial showing of the denial of a constitutional right. See Miller v. Cockrell, 123 S. Ct. 1029, 1040 (2003). 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