

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7768

LARRY DARNELL SPEARS,

Petitioner - Appellant,

versus

DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, District Judge. (CA-04-1198-1)

Submitted: June 23, 2005

Decided: June 28, 2005

Before WIDENER, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Larry Darnell Spears, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry Darnell Spears appeals the district court's order dismissing without prejudice his 28 U.S.C. § 2254 (2000) petition challenging the revocation of his state parole. Because the district court subsequently vacated the order and has reinstated Spears' § 2254 proceeding, we deny a certificate of appealability and dismiss this appeal. In light of this disposition, we deny Spears' motion to remand. 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