

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 96-6577**

---

BERLIN BRYCE FUTRELL,

Petitioner - Appellant,

versus

JOHN CARMICHAEL, Warden; STATE OF SOUTH CAROLINA;  
CHARLES MOLONY CONDON, the Attorney General of the State of South Carolina,

Respondents - Appellees.

---

Appeal from the United States District Court for the District of South Carolina, at Greenville. David C. Norton, District Judge. (CA-95-2102-6-18AK)

---

Submitted: August 22, 1996

Decided: September 5, 1996

---

Before HALL, WILLIAMS, and MICHAEL, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Berlin Bryce Futrell, Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Columbia, South Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (1988) petition. 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. Futrell v. Carmichael, No. CA-95-2102-6-18AK (D.S.C. Mar. 27, 1996). 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