

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6157

VESTEL MCKINLEY MOYER,

Petitioner - Appellant,

versus

PATRICIA HUFFMAN; EDWARD W. MURRAY,

Respondents - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CA-94-344-R)

Submitted: May 29, 1997

Decided: June 10, 1997

Before NIEMEYER, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Vestel McKinley Moyer, Appellant Pro Se. Eugene Paul Murphy, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, 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Unpublished opinions are not binding precedent in this circuit.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 petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997), alleging ineffective assistance of counsel in failing to pursue Appellant's appeal rights. We have reviewed the record and the district court's opinion and find no reversible error. The district court's determination of credibility will not be disturbed on appeal. United States v. Locklear, 829 F.2d 1314, 1317 (4th Cir. 1987). Accordingly, we deny a certificate of appealability and dismiss the appeal. 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