

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 97-6580**

---

MARTY PATRICK UNDERWOOD,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director, Virginia Department of Corrections,

Respondent - Appellee.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (CA-96-501-3)

---

Submitted: October 7, 1997

Decided: November 7, 1997

---

Before HALL, WILKINS, and NIEMEYER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Marty Patrick Underwood, Appellant Pro Se. Robert H. Anderson, III, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. Underwood v. Angelone, No. CA-96-501-3 (E.D. Va. Apr. 16, 1997). 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