

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6872**

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REGINALD TERRELL LEACH,

Petitioner - Appellant,

versus

RONALD JONES, Superintendent; NORTH CAROLINA  
ATTORNEY GENERAL,

Respondents - Appellees.

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Appeal from the United States District Court for the Middle District of North Carolina, at Salisbury. Russell A. Eliason, Magistrate Judge. (CA-96-367)

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Submitted: May 14, 1998

Decided: May 21, 1998

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Before WIDENER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Reginald Terrell Leach, Appellant Pro Se. Rebecca Kendrick Cleveland, Assistant Attorney General, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks to appeal the magistrate judge's orders denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998) and denying his motion for reconsideration. We have reviewed the record and the magistrate judge's opinions and find no reversible error.\* Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the magistrate judge. Leach v. Jones, No. CA-96-367 (M.D.N.C. Apr. 25 & May 27, 1997). We also deny Appellant's motions for appointment of counsel and to proceed in forma pauperis and 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

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\* Because the parties had consented to the magistrate judge's jurisdiction under 28 U.S.C.A. § 636(c) (West 1993 & Supp. 1998), the magistrate's recommendation entered on April 25, 1997, should have been an order and judgment of dismissal. In correcting this oversight, the magistrate judge treated Appellant's objections to the recommendation as a motion for reconsideration. Because we find the error, if any, was harmless, we dismiss the appeal.