

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7084

JOHNNY RAY MILLER,

Petitioner - Appellant,

versus

STATE OF WEST VIRGINIA,

Respondent - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. David A. Faber, District Judge. (CA-96-758-5)

Submitted: January 30, 1998

Decided: February 18, 1998

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Johnny Ray Miller, Appellant Pro Se. Rory Lee Perry, II, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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). 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. Miller v. West Virginia, No. CA-96-758-5 (S.D.W. Va. July 24, 1997). We also deny Appellant's motions for in forma pauperis status, an injunction, and a temporary restraining order. 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