

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7119

STEVEN FRANCIS PENDERGAST,

Petitioner - Appellant,

versus

FRANK C. SIZER, JR., Warden; ATTORNEY GENERAL
OF THE STATE OF MARYLAND,

Respondents - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CA-97-522-PJM)

Submitted: November 20, 1997

Decided: December 10, 1997

Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Steven Francis Pendergast, Appellant Pro Se. Ann Norman Bosse, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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 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. Pendergast v. Sizer, No. CA-97-522-PJM (D. Md. July 28, 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