

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 97-7460

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WILLIAM JACKSON NEAL, JR.,

Petitioner - Appellant,

versus

DALLAS WEAVER; WAYNE MOORE, Superintendent of  
Caswell Correctional Center; FRANKLIN FREEMAN,  
Secretary of the North Carolina Department of  
Correction,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern Dis-  
trict of North Carolina, at Raleigh. W. Earl Britt, Senior Dis-  
trict Judge. (CA-96-52-5-BR)

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Submitted: September 22, 1998

Decided: October 22, 1998

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Before WIDENER and ERVIN, Circuit Judges, and HALL, Senior Circuit  
Judge.

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Dismissed by unpublished per curiam opinion.

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William Jackson Neal, Jr., Appellant Pro Se. Clarence Joe DelForge,  
III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, 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Unpublished opinions are not binding precedent in this circuit.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 district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (1994) (current version at 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998)). 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 probable cause to appeal and dismiss the appeal on the reasoning of the district court. Neal v. Weaver, No. CA-96-52-5-BR (E.D.N.C. Sept. 11, 1997). See Lindh v. Murphy, 521 U.S. \_\_\_, 1997 WL 338568 (U.S. June 23, 1997) (No. 96-6298). 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. The motions for remand and for a certificate of appealability are denied.

DISMISSED