

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7588

DIVETO M. ALLEN,

Petitioner - Appellant,

versus

DANIEL T. MAHON, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. David G. Lowe, Magistrate Judge. (CA-96-831)

Submitted: March 12, 1998

Decided: March 31, 1998

Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Diveto M. Allen, Appellant Pro Se. Margaret Ann Bullock Walker, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks to appeal the magistrate judge'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 find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal. Allen v. Mahon, No. CA-96-831 (E.D. Va. Nov. 4, 1997). We deny Appellant's motion for appointment of counsel. 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

^{*} Both parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C. § 636(c) (1994).