

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 98-6362**

---

JEFFREY LYNN UNDERWOOD,

Petitioner - Appellant,

versus

JACK LEE, Warden, Keen Mountain Correctional  
Center,

Respondent - Appellee.

---

Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Samuel G. Wilson, Chief District  
Judge. (CA-98-141-R)

---

Submitted: June 9, 1998

Decided: June 23, 1998

---

Before MURNAGHAN and HAMILTON, Circuit Judges, and HALL, Senior  
Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Jeffrey Lynn Underwood, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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. 1998). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. Underwood v. Lee, No. CA-98-141-R (W.D. Va. Mar. 5, 1998). We deny Underwood's motion to appoint counsel and his motion for permission to refile his habeas petition in state court. 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