

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6646

ROBERT LEWIS CAIN,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director, Department of
Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Richmond. David G. Lowe, Magistrate Judge.
(CA-97-317)

Submitted: June 18, 1998

Decided: July 9, 1998

Before MURNAGHAN and WILKINS, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Robert Lewis Cain, Appellant Pro Se. John H. McLees, Jr., OFFICE
OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the magistrate judge'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 magistrate judge's memorandum and order and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the magistrate judge. Cain v. Angelone, No. CA-97-317 (E.D. Va. Apr. 10, 1998). We deny Appellant's motion for assignment 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

^{*} The parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C. § 636(c)(2) (1994).