

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6686**

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CALVIN WAYNE BARBER,

Petitioner - Appellant,

versus

MACK JARVIS; J. J. CLARK, Superintendent,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-97-882-5-BR)

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Submitted: September 10, 1998

Decided: September 24, 1998

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Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Calvin Wayne Barber, Appellant Pro Se. Clarence Joe Delforge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, 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Unpublished opinions are not binding precedent in this circuit.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.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 appealability, deny Appellant's motion for a certificate of probable cause to appeal, and dismiss the appeal on the reasoning of the district court. See Barber v. Jarvis, No. CA-97-882-5-BR (E.D.N.C. Apr. 2, 1998). 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