

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7340**

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LELMON JACKSON TERRELL,

Petitioner - Appellant,

versus

GERALDINE MIRO, Warden; ALLENDALE CORRECTIONAL  
INSTITUTION; CHARLES CONDON,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. Matthew J. Perry, Jr., Senior Dis-  
trict Judge. (CA-97-3408-6-10AK)

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Submitted: November 5, 1998

Decided: November 23, 1998

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Before ERVIN, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Lelmon Jackson Terrell, Appellant Pro Se. Donald John Zelenka,  
Chief Deputy Attorney General, Columbia, South Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lelmon Jackson Terrell seeks to appeal the district court's order denying as untimely 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 and dismiss the appeal on the reasoning of the district court. Terrell v. Miro, No. CA-97-3408-6-10AK (D.S.C. Aug. 19, 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