

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7496

FRANK MIDDLETON, JR.,

Petitioner - Appellant,

versus

JOHN H. CARMICHAEL, JR., Warden; CHARLES M.
CONDON, Attorney General of the State of South
Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Robert S. Carr, Magistrate Judge.
(CA-97-1711-2-8AJ)

Submitted: January 7, 1999

Decided: January 26, 1999

Before WIDENER, MURNAGHAN, and ERVIN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Frank Middleton, Appellant Pro Se. William Ansel Collins, Jr.,
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, Columbia, South Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Frank Middleton, Jr., appeals the magistrate judge's order denying relief on his 28 U.S.C. § 2241 (1994) petition.* We have reviewed the record and the magistrate judge's opinion and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the magistrate judge. See Middleton v. Carmichael, No. CA-97-1711-2-8AJ (D.S.C. Sept. 28, 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

* The parties consented to jurisdiction of the magistrate judge pursuant to 28 U.S.C. § 636(c)(1) (1994).