

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 99-6563**

---

LUTHER CARTER SPAIN, JR.,

Petitioner - Appellant,

versus

COMMONWEALTH OF VIRGINIA; VIRGINIA BEACH CIR-  
CUIT COURT; ROBERT J. HUMPHREYS, Commonwealth  
Attorney Virginia Beach, Virginia,

Respondents - Appellees.

---

Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior  
District Judge. (CA-99-276-AM)

---

Submitted: August 19, 1999

Decided: August 25, 1999

---

Before WIDENER and KING, Circuit Judges, and PHILLIPS, Senior Cir-  
cuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Luther Carter Spain, Jr., Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Luther Carter Spain, Jr., appeals the district courts orders denying relief on his petition construed as filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999) and his motion to reconsider the judgment. We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See Spain v. Virginia, No. CA-99-276-AM (E.D. Va. Mar. 9 & Mar. 29, 1999).<sup>\*</sup> 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

---

<sup>\*</sup> Although the district court's final order is dated stamped March 8, 1999, the district court's records show that it was entered on the docket sheet on March 9, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).