

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6078

BASIL W. AKBAR,

Petitioner - Appellant,

versus

ANTHONY J. PADULA, Warden; HENRY MCMASTER;
Attorney General of the State of South
Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. David C. Norton, District Judge.
(9:06-cv-0097-DCN)

Submitted: September 26, 2007

Decided: October 10, 2007

Before WILKINSON, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Basil Akbar, Appellant Pro Se. Donald John Zelenka, Derrick K.
McFarland, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA,
Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Basil Akbar appeals the district court's orders accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2000) petition and denying reconsideration of that order. We have reviewed the record and find no reversible error. Accordingly, we affirm substantially for the reasons stated by the district court.* Akbar v. Padula, No. 9:06-cv-00907-DCN (D.S.C. Dec. 18, 2006; Jan. 16, 2007). 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.

AFFIRMED

*We agree with Appellees that Akbar's second post-conviction motion filed on June 28, 1996 tolled the one-year limitations period until March 14, 2001. The district court's contrary conclusion was error. Nonetheless, Akbar's § 2254 petition is still untimely.