

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-8039

LARRY MCLEOD,

Petitioner - Appellant,

versus

SUPERINTENDENT, J.J. CLARK,

Respondent - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:02-cv-00281-JAB)

Submitted: April 19, 2007

Decided: April 24, 2007

Before NIEMEYER, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Larry McLeod, Appellant Pro Se. Clarence Joe DeForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

On May 29, 2003, this court denied a certificate of appealability and dismissed Larry McLeod's appeal of a district court order denying his 28 U.S.C. § 2254 (2000) petition. See McLeod v. Clark, No. 03-6486 (4th Cir. May 29, 2003) (unpublished). Over three years after the issuance of our opinion, McLeod filed a notice of appeal in the district court and a motion for a certificate of appealability in this court.

To the extent McLeod seeks a certificate of appealability, the court has previously considered this request and denied it. Accordingly, we decline to consider the request, as it is duplicative, and we deny it on that basis. Even if we were to entertain the motion, we would lack jurisdiction over McLeod's appeal because it is clearly untimely. See Fed. R. App. P. 4(a). Accordingly, we deny leave for McLeod to proceed in forma pauperis and dismiss the appeal. See United States v. Pardee, 356 F.2d 982 (4th Cir. 1966) ("The proliferation of notices of appeal is to be discouraged."). 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