

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7872

WARREN D. WAMSLEY,

Petitioner - Appellant,

v.

WARDEN DAVID BALLARD,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Robert E. Maxwell, Senior District Judge. (2:07-cv-00041-REM-JES)

Submitted: January 13, 2009

Decided: January 20, 2009

Before WILLIAMS, Chief Judge, and TRAXLER and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Warren D. Wamsley, Appellant Pro Se. Robert David Goldberg, Assistant Attorney General, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Warren D. Wamsley appeals the district court's order accepting the recommendation of the magistrate judge and granting in part and denying in part his 28 U.S.C. § 2254 (2006) petition. The district court granted a certificate of appealability. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Wamsley v. Ballard, No. 2:07-cv-00041-REM-JES (N.D.W. Va. Aug. 8, 2008). We deny Wamsley's motion for appointment of counsel. We further deny Wamsley's motion for clarification as moot. 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