

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-6499

DAVID LEE SMITH,

Petitioner - Appellant,

v.

RICK JACKSON,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (5:06-hc-02061-BO)

Submitted: August 22, 2019

Decided: August 27, 2019

Before KING and RICHARDSON, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David Lee Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Lee Smith seeks to appeal the district court's order denying his motion for release pending appeal of the court's order denying his Fed. R. Civ. P. 60(b) motions for reconsideration of the court's order denying relief on his 28 U.S.C. § 2254 (2012) petition. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Smith v. Jackson*, No. 5:06-hc-02061-BO (E.D.N.C. Mar. 21, 2019). We deny Smith's motion for a certificate of appealability as unnecessary. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED