

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6177**

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JAMES FOUNTAIN,

Petitioner - Appellant,

versus

WILLIAM BELL,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, District Judge. (CA-98-836-5-HC-F-3)

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Submitted: March 31, 1999

Decided: April 19, 1999

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Before ERVIN, HAMILTON, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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James Fountain, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James Fountain appeals the district court's order denying his motion for reconsideration of the court's order dismissing as untimely his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998). We have reviewed the record and the district court's opinion and find no abuse of discretion. Accordingly, we deny a certificate of appealability and dismiss the appeal. 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