

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-2377

BURNEY RAY TOWNSEND,

Plaintiff - Appellant,

versus

THOMAS JEFFERSON LOCKHART; D. E. RAYNOR; JOHN
L. MORRIS; GREGORY S. GEORGIADÉ; ESTES EXPRESS
LINE; EMERGENCY MEDICAL SERVICES OF ROBESON
COUNTY; DUKE UNIVERSITY, Duke University
Medical Center; HUTCH OWENS; JOHN DAVID
HERNANDEZ; CLYDE ARTHUR HELMS; MICHAEL TODD
JACOB; JOHN DOE (I-X),

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, District
Judge. (CA-01-691-1)

Submitted: April 29, 2002

Decided: June 3, 2002

Before MOTZ, KING, and GREGORY, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Burney Ray Townsend, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Burney Ray Townsend seeks to appeal the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find no reversible error as to the dismissal of Townsend's civil rights claims brought pursuant to § 1983. Although we express no opinion as to the merit of Townsend's claims, to the extent he sought to allege non-civil rights claims under the auspice of diversity jurisdiction, we modify the district court's order to reflect a dismissal without prejudice as to those claims. Accordingly, we grant Townsend's motion for leave to proceed in forma pauperis and affirm as modified. Townsend v. Lockhart, No. CA-01-691-1 (M.D.N.C. Oct. 26, 2001). 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 AS MODIFIED