

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6941

PHILLIP ANTHONY DAYE,

Plaintiff - Appellant,

versus

B. J. BARNES, Sheriff; WILLARDEAN DULA,

Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CA-01-94-1)

Submitted: September 5, 2002

Decided: September 11, 2002

Before MOTZ, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Phillip Anthony Daye, Appellant Pro Se. Susan D. Moore, COUNTY ATTORNEY'S OFFICE, Greensboro, North Carolina; Perry Cleveland Henson, Sr., Amanda Mary Willis, HENSON & HENSON, L.L.P., Greensboro, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Phillip Anthony Daye appeals the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 2002) complaint under 28 U.S.C.A. § 1915A (West Supp. 2002). We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find that this appeal is frivolous. Accordingly, we dismiss the appeal on the reasoning of the district court. Daye v. Barnes, No. CA-01-94-1 (M.D.N.C. May 29, 2002). 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