

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7779**

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BENJAMIN ROSS DOWNEY,

Plaintiff - Appellant,

versus

RONALD J. ANGELONE,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (CA-02-324-3)

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Submitted: January 30, 2003

Decided: February 5, 2003

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Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Benjamin Ross Downey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Benjamin Ross Downey appeals from the district court's order adopting the report and recommendation of a magistrate judge and dismissing his 42 U.S.C. § 1983 (2000) complaint as abusive and malicious under 28 U.S.C. § 1915(e)(2) (2000). In a previous § 1983 action, Downey raised identical claims against the same defendant. Downey v. Angelone, No. CA-97-239 (E.D. Va. June 16, 1998). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Downey v. Angelone, No. CA-02-324-3 (E.D. Va. Oct. 28, 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.

AFFIRMED