

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1888

CECILE M. LSCS; RICHARD A. LAST, Deceased, by
Cecile M. Lescs next of kin and power of
attorney; ESTATE OF RICHARD A. LAST, BY CECILE
N. LSCS, EXECUTRIX,

Plaintiffs - Appellants,

versus

MARTINSBURG POLICE DEPARTMENT; WAYNE
CLEVELAND; THEODORE ANDERSON; GEORGE
SWARTWOOD; GLENN MACHER; CITY OF MARTINSBURG,
Incorporated; MARK S. BALDWIN; GEORGE KAROS;
MAX PARKINSON; UNITED STATES POSTAL SERVICE;
WILLIAM WILMOTH; JAMES WRIGHT; JANET RENO;
UNITED STATES DEPARTMENT OF JUSTICE; JOHN
MORAN; RAYMOND WEST; LOUIS FREEH; FEDERAL
BUREAU OF INVESTIGATION; WELLS MORRISON;
VETERANS ADMINISTRATION; GEORGE MOORE,
Director; RICHARD PELL; WILLIAM J. HENDERSON,
a/k/a The Postmaster General of the United
States, Postmaster General; JANE DOE 1 - 17;
RICKY SWARTWOOD, Lieutenant; JOHN O'NEILL;
DALE WATSON; BOB BLITZER; WILLIAM J. CLINTON;
JOHN ASHCROFT, United States Attorney General;
MARION BOWMAN; JOHN O'BRIEN; SANDY BERGER;
DIRECTOR OF WEST VIRGINIA BUREAU OF CRIMINAL
IDENTIFICATION; WEST VIRGINIA STATE POLICE;
TINA FERGUSON; GEORGE FERGUSON; THOMAS DOMAN,
JR.; MICHAEL DOMAN; HARRY HOUSEHOLDER; MARIE
HOUSEHOLDER; SHAWNA DILLON; ALLEN DILLON; PAT
KELLER; BOBBY KELLER; JOSEPH SNELL, JR.; JOHN
DOE, 1 - 30; OFFICER SHEETZ; OFFICER ELLIS;
OFFICER RUPPENTHAL; J. OAKLEY SIEBERT,
Director of Berkeley County Senior Center;
BERKELEY COUNTY SENIOR CENTER; BERKELEY COUNTY
ADMINISTRATION; ROBERT S. MUELLER, III; VA
MEDICAL CENTER MARTINSBURG, WEST VIRGINIA;
DUNN; WEST VIRGINIA POLICE DEPARTMENT,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. W. Craig Broadwater, District Judge. (CA-03-7-3)

Submitted: December 17, 2004 Decided: January 12, 2005

Before WILKINSON, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Cecile M. Lescs, Appellant Pro Se. Tracey Brown Eberling, STEPTOE & JOHNSON, Martinsburg, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cecile M. Lescs appeals the district court's orders granting the motion to dismiss her civil action, denying her motion for summary judgment, and denying her motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court.* See Lescs v. Martinsburg Police Dep't, No. CA-03-7-3 (N.D.W. Va. Mar. 26, 2004 & June 25, 2004). 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

*We note that while the district court did not err in dismissing the complaint for failure to effect proper service of process, see Fed. R. Civ. P. 12(b)(5), and that "a failure to obtain proper service on the defendant deprives the court of personal jurisdiction over the defendant," Koehler v. Dodwell, 152 F.3d 304, 306 (4th Cir. 1998), insufficient service would not deprive the court of subject matter jurisdiction. See Mississippi Publ'g Corp. v. Murphree, 326 U.S. 438, 445 (1946).