

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7441

BENJAMIN H. LANEAVE,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA; FEDERAL BUREAU OF PRISONS, an agency of the United States Department of Justice; REHABILITATION SERVICES, INCORPORATED II, a corporation; MALIK A. BRICE, individually and in his official capacity; FREDERICK W. WILLIAMS, individually and in his official capacity; AMISHA MCNEILL, individually and in her official capacity; LINDA MOORE, individually and in her official capacity as Community Corrections Manager; REDWOOD TOXICOLOGY LABORATORY, a commercial enterprise; WAYNE ROSS, individually and doing business as Redwood Toxicology Laboratory; ROBERT A. MOUNT, individually and doing business as Redwood Toxicology Laboratory; ROY L. MORRISON, individually and in his official capacity as Warden, FCI Elkton; MARK A. BEZY, individually and in his official capacity as Warden, FCI Elkton; NELSON APONTE, individually and in his official capacities as Associate Warden and Acting Warden, FCI Elkton; DOES I - L, being fictitious designations for certain unknown, identifiable persons serving as employees, agents, servants, officials or representatives of the United States Government, individually and in their official capacities,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (3:05-cv-00329-REP)

Submitted: January 31, 2007

Decided: February 21, 2007

Before WILKINSON, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Benjamin H. LaNeave, Appellant Pro Se. Robert P. McIntosh, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, Donald Cameron Beck, Jr., MORRIS & MORRIS, Richmond, Virginia, Andrew Joseph Terrell, WHITEFORD, TAYLOR & PRESTON, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Benjamin H. LaNeave seeks to appeal the district court's order adopting the report and recommendation of the magistrate judge and dismissing his civil action. We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See LaNeave v. United States, No. 3:05-cv-00329-REP (E.D. Va. June 15, 2006). Additionally, we deny as unnecessary LaNeave's request to file a formal brief and appendix in this case.* 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 intend and discern no prejudice to LaNeave by denying his motion. We have fully considered the "formal" brief he tendered to the Clerk, but have construed it as his informal brief. Further, because the district court transmitted its complete record to this court for our use on appeal, our consideration of LaNeave's proposed appendix is unnecessary.