

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 07-1923**

---

WESLEY EDWARD SMITH, III,

Plaintiff - Appellant,

v.

PEPSI BOTTLING GROUP, INCORPORATED, PBG,

Defendant - Appellee.

---

Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Robert S. Carr, Magistrate Judge.  
(2:06-cv-00040)

---

Submitted: February 27, 2008

Decided: March 26, 2008

---

Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Wesley Edward Smith, III, Appellant Pro Se. Ashley Bryan Abel,  
Jody M. Smitherman, JACKSON & LEWIS, LLP, Greenville, South  
Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wesley Edward Smith, III, appeals the magistrate judge's order dismissing his employment discrimination claims and granting summary judgment in favor of Pepsi Bottling Group on their counterclaim for conversion.\* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the magistrate judge. See Smith v. Pepsi Bottling Group, No. 2:06-cv-00040 (D.S.C. Aug. 31, 2007). Additionally, we deny Smith's motions for issuance of subpoenas and for preparation of transcripts at government expense. 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

---

\*This case was decided by a magistrate judge with the parties' consent under 28 U.S.C. § 636(c) (2002).