

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7220

SIMON NEWMAN,

Plaintiff - Appellant,

versus

AL HAYNES; K.M. WHITE; HARRELL WATTS; HARLEY
G. LAPPIN; USP HAZELTON, and Staff,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Wheeling. Frederick P. Stamp, Jr.,
Senior District Judge. (5:06-cv-00091-FPS)

Submitted: November 15, 2007

Decided: November 27, 2007

Before WILLIAMS, Chief Judge, and MOTZ and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Simon Newman, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Simon Newman appeals the district court order adopting the recommendation of the magistrate judge and dismissing without prejudice Newman's civil action. We have reviewed the record and find no reversible error. Accordingly, we affirm on the district court's reasoning that Newman did not exhaust his administrative remedies under the Federal Tort Claims Act, 28 U.S.C.A. § 2675(a) (2000). See Newman v. Haynes, No. 5:06-cv-00091-FPS (N.D.W. Va. July 2, 2007). 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