

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1734**

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WESLEY EDWARD SMITH, III,

Plaintiff - Appellant,

v.

CHARLESTON COUNTY SCHOOL DISTRICT,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:06-cv-02177-DCN)

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Submitted: August 21, 2008

Decided: August 25, 2008

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

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Affirmed by unpublished per curiam opinion.

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Wesley Edward Smith, III, Appellant Pro Se. Daniel Francis Blanchard, III, Alice F. Paylor, ROSEN, ROSEN & HAGOOD, LLC, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wesley Edward Smith, III, appeals the district court's order denying his motion for reconsideration as untimely. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Smith v. Charleston County School District, No. 2:06-cv-02177-DCN (D.S.C. May 8, 2008). We deny Smith's application for leave to proceed in forma pauperis as moot, as in forma pauperis status has already been granted. We also deny Smith's motion for 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