

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6417**

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EDWARD LEE BIRCHETT,

Plaintiff - Appellant,

v.

GARY WILLIAMS, Clerk, Sussex Circuit Court,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:08-cv-00762-REP)

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Submitted: September 10, 2009

Decided: September 14, 2009

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Before KING, DUNCAN, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Edward Lee Birchett, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward Lee Birchett appeals the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint without prejudice for failure to complete a consent to the collection of fees form as ordered by the magistrate judge. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Birchett v. Williams, No. 3:08-cv-00762-REP (E.D. Va. Feb. 19, 2009). We deny Birchett's motions for appointment of counsel and motion for a transcript 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