

**ON REHEARING**

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7750**

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ANDREW D. WENMOTH,

Plaintiff - Appellant,

v.

OVID WESLEY DUNCAN, JR., Librarian; LARRY MCBRIDE,  
Correctional Officer II; KENNY AIKENS, Correctional Hearing  
Officer; DIANA ROBIN MILLER, Associate Warden of Programs;  
TERESA WAID, Warden; JIM RUBENSTEIN, Commissioner; CHARLENE  
SOTAK, Inmate Grievance Coordinator,

Defendants - Appellees.

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**No. 09-7826**

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ANDREW D. WENMOTH,

Plaintiff - Appellant,

v.

OVID WESLEY DUNCAN, JR., Librarian; LARRY MCBRIDE,  
Correctional Officer II; KENNY AIKENS, Correctional Hearing  
Officer; DIANA ROBIN MILLER, Associate Warden of Programs;  
TERESA WAID, Warden; JIM RUBENSTEIN, Commissioner; CHARLENE  
SOTAK, Inmate Grievance Coordinator,

Defendants - Appellees.

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No. 10-6073

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ANDREW D. WENMOTH,

Plaintiff - Appellant,

v.

OVID WESLEY DUNCAN, JR., Librarian; LARRY MCBRIDE, Correctional Officer II; KENNY AIKENS, Correctional Hearing Officer; DIANA ROBIN MILLER, Associate Warden of Programs; TERESA WAID, Warden; JIM RUBENSTEIN, Commissioner; CHARLENE SOTAK, Inmate Grievance Coordinator,

Defendants - Appellees.

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Appeals from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:08-cv-00182-JPB-JSK)

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Submitted: May 13, 2010

Decided: June 9, 2010

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Before DUNCAN and DAVIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Andrew D. Wenmoth, Appellant Pro Se. Thomas E. Buck, April Joy Wheeler, BAILEY & WYANT, PLLC, Wheeling, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Andrew D. Wenmoth appeals the district court's orders accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2006) complaint. We have reviewed the record and find no reversible error. Accordingly, we deny Wenmoth's motion for appointment of counsel and affirm for the reasons stated by the district court. Wenmoth v. Duncan, No. 3:08-cv-00182-JPB-JSK (N.D. W. Va. Aug. 26, 2009 & Dec. 18, 2009). 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