

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1432

LACKAWANNA TRANSPORT COMPANY,

Plaintiff - Appellant,

v.

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA; WETZEL COUNTY
SOLID WASTE AUTHORITY; PUBLIC SERVICE COMMISSIONER MICHAEL
ALBERT, in his official capacity; PUBLIC SERVICE
COMMISSIONER JON W. MCKINNEY, in his official capacity;
PUBLIC SERVICE COMMISSIONER ED STAATS, in his official
capacity,

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. (5:08-cv-00066-FPS-JES)

Submitted: January 5, 2011

Decided: January 24, 2011

Before NIEMEYER, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Patrick J. McDermott, MCDERMOTT & BONENBERGER, P.L.L.C.,
Wheeling, West Virginia; Albert A. DeGennaro, William F. Fox,
Jr., LACKAWANNA TRANSPORT COMPANY, Audubon, Pennsylvania, for
Appellant. Thomas E. Buck, Jason P. Pockl, BAILEY & WYANT,
P.L.L.C., Wheeling, West Virginia; Silas B. Taylor, OFFICE OF

THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West
Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lackawanna Transport Company appeals the district court's orders granting Defendants' motions to dismiss Lackawanna's 42 U.S.C. § 1983 (2006) claims against them. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Lackawanna Transp. Co. v. Public Serv. Comm'n of W. Va., No. 5:08-cv-00066-FPS-JES (N.D. W. Va. March 16, 2010; May 14, 2010). 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