

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1187

MICHAEL PETWAY, a/k/a Micheal Petway,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

On Petition for Review of an Order of the National Labor
Relations Board. (05-CA-35363)

Submitted: August 23, 2011

Decided: August 30, 2011

Before KING, KEENAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ardra Monique O'Neal, Washington D.C., for Petitioner. Linda
Dreeben, Deputy Associate General Counsel, Joel Frank Dillard,
Eric Gray Moskowitz, Abby Propis Simms, NATIONAL LABOR RELATIONS
BOARD, Washington, D.C.; Wayne R. Gold, NATIONAL LABOR RELATIONS
BOARD, Baltimore, Maryland, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Petway petitions this court to review the refusal of the General Counsel of the National Labor Relations Board ("NLRB") to issue a complaint against Petway's former employer, Doyle Printing and Offset Company, Inc. Pursuant to the National Labor Relations Act, the General Counsel "ha[s] final authority, on behalf of the [NLRB], in respect of the investigation of charges and issuance of complaints." 29 U.S.C. § 153(d) (2006). "[T]he [NLRB]'s General Counsel has unreviewable discretion to refuse to institute an unfair labor practice complaint." Vaca v. Sipes, 386 U.S. 171, 182 (1967); see Wellington Mill Div., W. Point Mfg. Co. v. NLRB, 330 F.2d 579, 590 (4th Cir. 1964) (stating that General Counsel's "refusal to [issue a complaint] is final and unappealable"). Therefore, we lack jurisdiction over Petway's appeal.

Accordingly, we dismiss the petition for review. 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.

DISMISSED