

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 94-2450

ALBERT CHARLES BURGESS, JR.,

Plaintiff - Appellant,

versus

THOMAS J. ANDREWS,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert D. Potter, Senior District Judge. (CA-86-503-C-C-P)

Submitted: March 26, 1996

Decided: April 16, 1996

Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Albert Charles Burgess, Jr., Appellant Pro Se. Richard Cartwright Carmichael, Jr., Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's order dismissing his civil action for failure to prosecute under Fed. R. Civ. P. 41(b), and denying his motion for reconsideration. We have reviewed the record and the district court's opinions and find no abuse of discretion. Accordingly, we affirm on the reasoning of the district court. Burgess v. Andrews, No. CA-86-503-C-C-P (W.D.N.C. Sept. 21, 1994; Oct. 7, 1994). 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