

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 95-2738

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D. JOHNSON WILLIS,

Plaintiff - Appellant,

versus

TOWN OF TRENTON, NORTH CAROLINA; JOFFREE T. LEGGETT, Individually and as Town Mayor; CHARLES C. JONES, Individually and as Member of Town Council; EDWARD EUBANKS, Individually and as Member of Town Council; WILLIARD ODELL LEWIS, Individually and as Member of Town Council; ANN BROCK, Individually and as former Member of Town Council; EDWARD PARKER, Individually and as former Member of Town Council; CLIFTON MILLS, SR., Individually as former Member of Town Council; BOB D. HENDERSON, Individually and as former Member of Town Council; JAMES R. FRANCK, Individually and as former Town Mayor; SHERI M. DAVENPORT, Individually and as former Town Counsel; CAROL M. HOOD, Personal Representative of the Estate of James R. Hood; GEORGE W. DAVENPORT, Individually and as former Town Mayor; JAMES BLOODWORTH, Individually and as Town Employee; C. GLENN SPIVEY, Individually and as Town Clerk and their successors and agents,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Malcolm J. Howard, District Judge. (CA-94-166-4-H)

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Submitted: April 23, 1996

Decided: May 21, 1996

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

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Affirmed as modified by unpublished per curiam opinion.

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D. Johnson Willis, Appellant Pro Se. Cheryl A. Marteney, WARD &  
SMITH, P.A., New Bern, North Carolina; Dal Floyd Wooten, III,  
Kinston, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying relief on his civil rights complaint alleging an equal protection violation in his community's provision of trash removal services. We have reviewed the record and the district court's opinion adopting the magistrate judge's recommendation and find no reversible error. Willis v. Town of Trenton, No. CA-94-166-4-H (E.D.N.C. Sept. 12, 1995). We modify the order, however, to reflect dismissal of the action without prejudice so that Appellant may have the opportunity to particularize his complaint and specify the proper defendants. 28 U.S.C. § 2106 (1988); see Gordon v. Leeke, 574 F.2d 1147, 1152-53 (4th Cir.), cert. denied, 439 U.S. 970 (1978).

We deny the motion for 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 AS MODIFIED