

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-1733**

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WILLIAM E. MATTINGLY,

Plaintiff - Appellant,

versus

JOEY'S BAR AND GRILL; JOSEPH MINARDI, III,

Defendants - Appellees,

and

ONE UNKNOWN PERSONAL INJURY INSURANCE CARRIER,

Defendant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, Chief District Judge. (CA-95-245-2)

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Submitted: February 27, 1997

Decided: March 10, 1997

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Before MURNAGHAN, NIEMEYER, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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William E. Mattingly, Appellant Pro Se. Jeffrey Kent Phillips, STEPTOE & JOHNSON, Charleston, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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



PER CURIAM:

Appellant appeals the district court's order granting summary judgment in this diversity action. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Mattingly v. Joey's Bar and Grill, No. CA-95-245-2 (S.D.W. Va. May 14, 1996). 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