

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7439

THOMAS E. SMITH,

Plaintiff - Appellant,

versus

DANIEL L. MCCARTHY, Judge of the Circuit Court
of Harrison County, West Virginia,

Defendant - Appellee.

Appeal from the United States District Court for the Northern
District of West Virginia, at Clarksburg. William M. Kidd, Senior
District Judge. (CA-96-132-1)

Submitted: March 27, 1997

Decided: April 3, 1997

Before RUSSELL, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Thomas E. Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant, a West Virginia inmate, appeals the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint under 28 U.S.C. § 1915(e) (1994), amended by Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996). We have reviewed the record and the district court's opinion and find that this appeal is frivolous. Accordingly, we dismiss the appeal on the reasoning of the district court. Smith v. McCarthy, No. CA-96-132-1 (N.D.W. Va. Aug. 29, 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.

DISMISSED