

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1419

WAYNE BROWNING,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA; STATE OF OHIO; STATE
OF WEST VIRGINIA; NATIONAL ORGANIZATION OF
WOMEN; KANAWHA SURGI CENTER; WOMEN'S HEALTH
CENTER OF WEST VIRGINIA, INCORPORATED,

Defendants - Appellees.

Appeal from the United States District Court for the Southern Dis-
trict of West Virginia, at Huntington. Charles H. Haden II, Chief
District Judge. (CA-97-115-3)

Submitted: July 10, 1997

Decided: July 30, 1997

Before RUSSELL, HALL, and MURNAGHAN, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Wayne Browning, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying relief on his civil action. We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. Browning v. United States, No. CA-97-115-3 (S.D.W. Va. Mar. 4, 1997). We modify the district court's dismissal to be under 28 U.S.C.A. § 1915(e)(2) (West Supp. 1997). See 28 U.S.C. § 2106 (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 AS MODIFIED