

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-2707

GENE M. AUSTON, IV, Captain (Retired),

Plaintiff - Appellant,

versus

STATE OF NORTH CAROLINA,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-97-616-5-BR)

Submitted: July 2, 1998

Decided: September 17, 1998

Before NIEMEYER and HAMILTON, Circuit Judges, and HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Gene M. Auston, IV, Appellant Pro Se. Gerald Kevin Robbins, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order dismissing this case for lack of subject matter jurisdiction. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Auston v. North Carolina, No. CA-97-616-5-BR (E.D.N.C. Nov. 6, 1997). We deny the motion to strike attachments to the informal brief and 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