

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-2444**

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JOHN M. SMITH,

Plaintiff - Appellant,

versus

BARBARA A. MORGAN, Individually and as Solicitor for the Second Judicial Circuit of the State of South Carolina,

Defendant - Appellee,

and

BUSTER EDWARDS, Individually and as Agent of State Law Enforcement Division, an Agency of the State of South Carolina; STATE LAW ENFORCEMENT DIVISION, an Agency of the State of South Carolina,

Defendants.

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Appeal from the United States District Court for the District of South Carolina, at Aiken. David C. Norton, District Judge. (CA-96-2763-8-1)

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Submitted: May 11, 1999

Decided: May 27, 1999

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Before WIDENER, MURNAGHAN, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Lex A. Rogerson, Jr., Lexington, South Carolina, for Appellant.  
Paul H. Derrick, LIDE, MONTGOMERY & POTTS, P.C., Columbia, South  
Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John M. Smith appeals the district court's order granting summary judgment in favor of Appellee Morgan on his 42 U.S.C.A. § 1983 (West Supp. 1998) complaint. On appeal, Smith frames the issue as whether the district court erred in holding that his claims against Morgan for acts alleged to be outside of the scope of her prosecutorial immunity were barred by res judicata. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm the decision of the district court. 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