

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-6232**

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MARVIN L. SMITH,

Plaintiff - Appellant,

versus

KELLY BROWN, Probation Officer of Kanawha  
County, Charleston, West Virginia; JAMES  
DUNLAP, Probation Officer of Kanawha County,  
Charleston, West Virginia,

Defendants - Appellees.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Elkins. Robert Earl Maxwell, Senior  
District Judge. (CA-97-40-2)

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Submitted: August 13, 1998

Decided: September 1, 1998

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Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Marvin L. Smith, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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.A. § 1983 (West Supp. 1998) complaint under 28 U.S.C.A. § 1915(e)(2) (West Supp. 1998). 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. Brown, No. CA-97-40-2 (N.D.W. Va. Jan. 20, 1998). 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