

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6413

MICHAEL BANKS,

Plaintiff - Appellant,

versus

E. MONTGOMERY TUCKER,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert R. Merhige, Jr., Senior District Judge. (CA-97-571)

Submitted: May 28, 1998

Decided: June 10, 1998

Before ERVIN, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Banks, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Banks, a Virginia inmate, appeals the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint under 28 U.S.C.A. §§ 1915(e)(2), 1915A (West Supp. 1998). We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find that this appeal is frivolous. Accordingly, we dismiss the appeal on the reasoning of the district court. Banks v. Tucker, No. CA-97-571 (E.D. Va. Feb. 27, 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