

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6744**

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BRETT C. KIMBERLIN,

Plaintiff - Appellant,

versus

JUDGES OF THE FOURTH CIRCUIT COURT OF APPEALS,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CA-98-1484)

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Submitted: August 19, 1999

Decided: August 26, 1999

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Before WIDENER and KING, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Brett C. Kimberlin, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Brett C. Kimberlin appeals the district court's order dismissing as frivolous his action filed under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). We have reviewed the record and the district court's opinion and find no reversible error in the court's finding that Kimberlin failed to state a constitutional claim. Accordingly, we affirm substantially on the reasoning of the district court. See Kimberlin v. Judges of the Fourth Circuit Court of Appeals, No. CA-98-1484 (E.D. Va. Apr. 30, 1999).\* We deny Kimberlin's motion to certify this appeal to the Supreme Court 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

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\* Although the district court's order and judgment are marked as "filed" on April 27, 1999, and April 28, 1999, respectively, the district court's records show the order and judgment were entered on the docket sheet on April 30, 1999. Pursuant to Fed. R. Civ. P. 58 and 79(a), we consider the date the order and judgment were entered as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).