

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7499

RALPH EDWARD RHODES,

Plaintiff - Appellant,

versus

REUBEN PENA, Unit Manager, MOCC, Box 582, Mt. Olive, WV 25185; WILLIAM FITZWATER, Correctional Officer, MOCC, Box 582, Mt. Olive, WV 25185; CORRECTIONAL OFFICER ELLANIE, MOCC, Box 582, Mt. Olive, WV 25185; GEORGE TRENT, Warden, MOCC, Box 582, Mt. Olive, WV 25185; WILLIAM DAVIS, Commissioner, West Virginia Department of Corrections,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. David A. Faber, District Judge. (CA-98-927-5)

Submitted: January 10, 2002

Decided: January 18, 2002

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

Affirmed by unpublished per curiam opinion.

Ralph Edward Rhodes, Appellant Pro Se. Charles R. Bailey, John Thomas Molleur, BAILEY & WYANT, P.L.L.C., Charleston, West Virginia; Darrell V. McGraw, Jr., Leslie K. Tyree, OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ralph Edward Rhodes appeals the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. To the extent Rhodes appeals the adverse grant of summary judgment, we have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Rhodes v. Pena, No. CA-98-927-5 (S.D.W. Va. Aug. 8, 2001). To the extent Rhodes seeks to appeal the district court's denial of his request for appointment of counsel, we find no abuse of discretion by 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