

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6334

ROBERT D. DRINKARD, JR.,

Plaintiff - Appellant,

versus

DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS;
VERNON SMITH, M.D., CHARLES E. THOMPSON,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-02-168)

Submitted: July 25, 2002

Decided: August 12, 2002

Before WILLIAMS and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Robert D. Drinkard, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert D. Drinkard, Jr., a Virginia inmate, appeals the district court's order denying relief on his medical treatment complaint filed under 42 U.S.C.A. § 1983 (West Supp. 2001), for failure to state a claim.* See 28 U.S.C. § 1915A (2000). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Drinkard v. Director, Virginia Dep't of Corrections, No. CA-02-168 (E.D. Va. Feb. 12, 2002). 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

* Drinkard's complaint also alleged good time credits were taken from him in violation of the Fourteenth Amendment. The district court found this claim was not cognizable under § 1983 and dismissed the claim without prejudice to Drinkard's rights to refile the claim pursuant to 28 U.S.C. § 2254 (2000). Drinkard does not challenge the district court's dismissal without prejudice of this claim on appeal. Thus, appellate review of this portion of the district court's order is waived. 4th Cir. R. 34(b).