

CORRECTED OPINION

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 04-6907

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CLARENCE T. FOX, JR.; GERALDINE C. FOX,

Plaintiffs - Appellants,

versus

FEDERAL BUREAU OF PRISONS; HARLEY G. LAPPIN;  
JIM RALPH; STEPHEN M. DEWALT; LAURENE SHARPE,  
Case Manager; GRETCHEN ROBINSON; PHILLIP  
CLARK,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Malcolm J. Howard,  
District Judge. (CA-04-152-5-H)

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Submitted: October 14, 2004

Decided: October 20, 2004

Corrected Opinion Filed: November 4, 2004

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Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Clarence T. Fox, Jr., Geraldine C. Fox, Appellants Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Geraldine and Clarence Fox appeal the district court's orders dismissing their civil rights suit as frivolous and denying their motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, as to Clarence Fox, we affirm for the reasons stated by the district court. See Fox v. Federal Bureau of Prisons, No. CA-04-152-5-H (E.D.N.C. Mar. 31 & May 27, 2004). As to Geraldine Fox, we agree that her claim is frivolous for the reasons stated by the district court; however, we affirm the dismissal of her claim as modified to reflect that the dismissal should have been under 28 U.S.C. § 1915(e)(2)(B)(ii) (2000). We deny Geraldine Fox's motion to proceed in forma pauperis. 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