

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7257

STEVEN FITZGERALD SAUNDERS,

Plaintiff - Appellant,

versus

PHILIP MORRIS, INCORPORATED; R. J. REYNOLDS,
INCORPORATED; REPUBLIC TOBACCO,

Defendants - Appellees,

and

FRANKLIN FREEMAN; LYNN PHILLIPS; JAMES B.
FRENCH; L. P. TOBACCO COMPANY,

Defendants.

No. 96-7540

STEVEN FITZGERALD SAUNDERS,

Plaintiff - Appellant,

versus

FRANKLIN FREEMAN; LYNN PHILLIPS; JAMES B.
FRENCH; PHILIP MORRIS, INCORPORATED; R. J.
REYNOLDS, INCORPORATED; REPUBLIC TOBACCO,
L. P. TOBACCO COMPANY,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Chief District Judge. (CA-96-446-5-F)

Submitted: March 27, 1997 Decided: April 2, 1997

Before RUSSELL, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Steven Fitzgerald Saunders, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Steven F. Saunders appeals the district court's orders dismissing his 42 U.S.C. § 1983 (1994) complaint and dismissing the Defendants that are private actors. The district court assessed a filing fee in accordance with Evans v. Croom, 650 F.2d 521 (4th Cir. 1981), cert. denied, 454 U.S. 1153 (1982), and dismissed the case without prejudice when Appellant failed to comply with the fee order. Finding no abuse of discretion, we affirm the district court's order. We also affirm the district court order dismissing the Defendants that are not state actors on the reasoning of the district court. Saunders v. Philip Morris, Inc., Saunders v. Freeman, No. CA-96-446-5-F (E.D.N.C. Aug. 2, 1996). We deny Saunders' motions for production of documents and delay of judgment. 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