

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1213

HERBERT WARREN LUX, JR.; PATSY JEAN LUX,

Plaintiffs - Appellants,

versus

COUNTY OF SPOTSYLVANIA; SPOTSYLVANIA COUNTY
BOARD OF SUPERVISORS, Ronnie B. Acors, Mary
Lee Carter, Jean W. Jones, B. Jerry Marcus,
Emmitt B. Marshal, Martha B. Mastin, James B.
Smith, L. Kimbal Payne, III, David Calbo,
Larry W. Davis and Michael B. O'Keefe; JOHN A.
GIBNEY, JR.; SPOTSWOOD CONSTRUCTION LOANS,
L.C.; KENNETH S. POTTER,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Richmond. Robert R. Merhige, Jr., Senior
District Judge. (CA-97-3)

Submitted: May 1, 1997

Decided: May 8, 1997

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

Dismissed by unpublished per curiam opinion.

Herbert Warren Lux, Jr., Patsy Jean Lux, Appellants Pro Se. Robert
A. Dybing, SHUFORD, RUBIN & GIBNEY, Richmond, Virginia; James
Joseph Burns, WILLIAMS, MULLEN, CHRISTIAN & DOBBINS, Richmond,
Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants appeal from the district court's order denying their motion for leave to proceed in forma pauperis in their Fed. R. Civ. P. 60(b) action seeking to set aside on the basis of fraud two district court orders. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal on the reasoning of the district court. Lux v. Spotsylvania County, No. CA-97-3 (E.D. Va. Feb. 11, 1997). Appellants' motion to expedite is now moot and is dismissed for that reason. 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.

DISMISSED