

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7530

EMRICH C. KENNY,

Plaintiff - Appellant,

versus

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
CORRECTIONS; PAUL BASS, Acting Warden; A. M.
PARKER, Major; CRISSY CREATH, LPN; FELECIA
FLEMING, LPN; JOHN DOE HYMAN, LPN,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Richmond. James R. Spencer, District Judge.
(CA-97-30-3)

Submitted: February 12, 1998

Decided: March 4, 1998

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

Dismissed by unpublished per curiam opinion.

Emrich C. Kenny, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant, a Virginia inmate, appeals the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint under 28 U.S.C.A. § 1915A (West Supp. 1997). We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find that this appeal is frivolous. Accordingly, we dismiss the appeal on the reasoning of the district court. Kenny v. Virginia, No. CA-97-30-3 (E.D. Va. Sept. 29, 1997). We deny Appellant's motion to appoint counsel. 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