

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7532

EUGENE A. STAUCH, III,

Plaintiff - Appellant,

versus

CHARLES M. CONDON, Attorney General of South Carolina; MICHAEL W. MOORE, Commissioner of Corrections; GERALDINE P. MIRO; LARRY C. BATSON, General Counsel for SCDC; LAVERNE COHEN, Classification Coordinator ACI; CYNTHIA SANDERS, Classification Worker; STATE OF SOUTH CAROLINA; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina at Rock Hill. Charles E. Simons, Jr., Senior District Judge. (CA-98-418-0-06BD)

Submitted: January 21, 1999

Decided: February 22, 1999

Before LUTTIG, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Eugene A. Stauch, III, Appellant Pro Se. Anne Macon Flynn, SOUTH CAROLINA BUDGET AND CONTROL BOARD, Columbia, South Carolina; Robert E. Peterson, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Eugene Stauch appeals the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 1998) complaint. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we deny Stauch's motion for appointment of counsel and affirm on the reasoning of the district court. See Stauch v. Condon, No. CA-98-418-0-06BD (D.S.C. Oct. 8, 1998).^{*} 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

^{*} Although the district court's order is marked as "filed" on October 7, 1998, the district court's records show that it was entered on the docket sheet on October 8, 1998. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).