

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-1380**

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EMMETT W. CALDWELL,

Plaintiff - Appellant,

versus

LOWE'S COMPANIES, INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-97-1043-5-BO)

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Submitted: May 18, 1999

Decided: July 8, 1999

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Before WIDENER, MURNAGHAN, and NIEMEYER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Emmett W. Caldwell, Appellant Pro Se. Raymond Mark Davis, Maranda Janay Freeman, CRANFILL, SUMNER & HARTZOG, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's denial of his second motion to reconsider the dismissal of his civil action. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Caldwell v. Lowe's Companies, Inc., No. CA-97-1043-5-BO (E.D.N.C. Mar. 1, 1999). 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