

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7177**

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JOHN DAVID SIMPSON,

Plaintiff - Appellant,

versus

RONALD ANGELONE, Director, Virginia Department of Corrections; CHARLES J. HARLAND, Chief Dentist, Virginia Department of Corrections; DOCTOR KOPELOVE, Chief Dentist, Powhatan Correctional Center, Medical Unit; OFFICER COCHRAN, Security Official, Powhatan Correctional Center; AND OTHERS UNKNOWN AT THIS TIME,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CA-98-197-2)

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Submitted: January 20, 2000

Decided: January 28, 2000

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Before WILLIAMS, MICHAEL, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John David Simpson, Appellant Pro Se. Pamela Anne Sargent, Assistant Attorney General, Richmond, Virginia; Charles Manley Allen, Jr., GOODMAN, WEST & FILETTI, Glen Allen, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John David Simpson appeals the district court's orders denying relief on his complaint filed under 42 U.S.C.A. § 1983 (West Supp. 1999), and denying his motion for reconsideration. We have reviewed the record and the district court's opinion denying § 1983 relief and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Simpson v. Angelone, No. CA-98-197-2 (E.D. Va. July 27, 1999).

With regard to the motion for reconsideration, we find that the motion should have been construed as one filed under Fed. R. Civ. P. 59(e), rather than Fed. R. Civ. P. 60(b). Any error was harmless, however, because Simpson stated no grounds for relief. See Pacific Ins. Co. v. American Nat'l Fire Ins. Co., 148 F.3d 396, 402-03 (4th Cir. 1998) (providing standard), cert. denied, 119 S. Ct. 869 (1999). Accordingly, we affirm. We deny Simpson's motion for judicial notice and 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