

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-2155**

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WILLIAM E. BURKE,

Plaintiff - Appellant,

versus

THE ROCHESTER CORPORATION,

Defendant - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Charlottesville. Norman K. Moon, District Judge. (CA-04-37-3)

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Submitted: April 28, 2006

Decided: June 1, 2006

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Before MICHAEL, KING, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Robert P. Dvoskin, Charlottesville, Virginia, for Appellant.  
Charles E. McDonald, III, OGLETREE, DEAKINS, NASH, SMOAK & STEWART,  
P.C., Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William E. Burke appeals the district court's order rejecting the recommendation of the magistrate judge and dismissing his employment discrimination action. We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Burke v. The Rochester Corp., No. CA-04-37-3 (W.D. Va. Sept. 27, 2005). 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