

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7315**

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ALLEN HARRELL, JR.,

Plaintiff - Appellant,

versus

H. M. GAINES, Magistrate; C.S.B./BADGE NO.  
1364, Police Officer,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. James R. Spencer, Chief  
District Judge. (3:05-cv-00454-JRS)

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Submitted: October 17, 2006

Decided: October 24, 2006

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Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Allen Harrell, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Allen Harrell, Jr., appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2000) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Harrell v. Gaines, No. 3:05-cv-00454-JRS (E.D. Va. June 22, 2006). We deny Harrell's motions for discovery and for appointment of counsel 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