

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1612**

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DANIEL JOHNSON WILLIS,

Plaintiff - Appellant,

and

JONES COUNTY IMPROVEMENT ASSOCIATION, INCORPORATED,

Plaintiff,

v.

DEPARTMENT OF TRANSPORTATION; LYNDO TIPPET; CAM MCRAE, as  
public official; JAY CONVERSE, as private individual and/or  
their successors; TANDS INCORPORATION, as private  
individuals and/or their successors,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at New Bern. Louise W. Flanagan,  
Chief District Judge. (4:07-cv-00046-FL)

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Submitted: June 22, 2009

Decided: June 26, 2009

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Before MICHAEL, TRAXLER, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Daniel Johnson Willis, Appellant Pro Se. Scott A. Conklin, NORTH  
CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina;

Nicole A. Crawford, BROOKS, PIERCE, MCLENDON, HUMPHREY &  
LEONARD, Greensboro, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Johnson Willis appeals the district court's order denying his motion to proceed in forma pauperis on appeal. We have reviewed the record and find no reversible error. In addition, we conclude the appeal is moot because this court previously adjudicated the merits of the underlying action and denied in forma pauperis status. Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal. Willis v. Dep't of Transp., No. 4:07-cv-00046-FL (E.D.N.C. May 12, 2008). 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.

DISMISSED