

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2223

JERRY A. HURST,

Plaintiff - Appellant,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Glen E. Conrad, District
Judge. (7:05-cv-00776-gec)

Submitted: April 23, 2009

Decided: April 29, 2009

Before MICHAEL and DUNCAN, Circuit Judges.*

Affirmed as modified by unpublished per curiam opinion.

Jerry A. Hurst, Appellant Pro Se. Maxwell Huddleston Wiegard,
GENTRY, LOCKE, RAKES & MOORE, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

* The opinion is filed by a quorum of the panel pursuant to
28 U.S.C. § 46(d) (2006).

PER CURIAM:

Jerry A. Hurst appeals from the district court's orders: (1) denying relief on his claims of fraud, conspiracy to commit fraud, and intentional infliction of emotional distress; (2) accepting the recommendation of the magistrate judge and granting summary judgment in favor of State Farm Mutual Automobile Insurance Company on his claims of breach of contract; and (3) denying his motions for reconsideration of those orders. We have reviewed the record and find no reversible error. Accordingly, we deny Hurst's motion for transcripts at government expense and affirm for the reasons stated by the district court. Hurst v. State Farm Mut. Auto. Ins. Co., No. 7:05-cv-00776-gec (W.D. Va. filed Mar. 23, 2007 entered March 26, 2007; Aug. 6, 2007; Sept, 26, 2008; filed Nov. 21, 2008 entered Nov. 25, 2008;). However, because the district court addressed the claims on the merits, we modify the district court's September 26, 2008 order to reflect that the dismissal is with prejudice. 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 AS MODIFIED