

**ON REHEARING**

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-2164**

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OWEN FRANKLIN SILVIOUS,

Plaintiff - Appellant,

v.

AFNI, INCORPORATED,

Defendant - Appellee,

and

MIDLAND CREDIT MANAGEMENT INCORPORATED; ENCORE CAPITAL  
GROUP, INCORPORATED; ACCOUNT SERVICES; APPLIED CARD BANK;  
CREDIGY RECEIVABLES, INCORPORATED; CREDIT ONE BANK; LTD  
FINANCIAL SERVICES, LP,

Defendants.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Wheeling. Frederick P. Stamp,  
Jr., Senior District Judge. (5:07-cv-00145-FPS-JES)

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Submitted: April 15, 2011

Decided: May 26, 2011

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Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Owen Franklin Silvious, Appellant Pro Se. Daniel Todd Booth,  
BOOTH & MCCARTHY, Bridgeport, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Owen Franklin Silvious appeals the district court's order accepting the recommendation of the magistrate judge, granting summary judgment in favor of Defendant, and granting the motion to strike Silvious' surreply. Silvious also appeals the denial of his post-judgment motion for additional findings, filed pursuant to Fed. R. Civ. P. 52(b). Following our grant of rehearing, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Silvious v. AFNI, Inc., No. 5:07-cv-00145-FPS-JES (N.D. W. Va. Aug. 3, 2009; Sept. 4, 2009). 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