

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6628

BOBBY HAZEL,

Plaintiff - Appellant,

v.

HARLEY G. LAPPIN, Director, United States Bureau of Prisons;
JOE DRIVER; CAPTAIN BOYLES, Administrator; JORGES VAZQUEZ,
Doctor,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. Robert E. Maxwell, Senior
District Judge. (2:09-cv-00070-REM)

Submitted: July 22, 2010

Decided: August 3, 2010

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bobby Hazel, Appellant Pro Se. Rita R. Valdrini, Assistant
United States Attorney, Wheeling, West Virginia, for Appellees

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bobby Hazel appeals the district court order denying his motion to alter and amend the judgment under Rule 59 of the Federal Rules of Civil Procedure, denying his motion under Rule 60(b)(1) of the Federal Rules of Civil Procedure and denying his motion submitting newly discovered evidence. We have reviewed the court's order and the record and affirm for the reasons cited by the court.* See Hazel v. Lappin, No. 2:09-cv-00070-REM (N.D.W. Va. Apr. 13, 2010). 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

* We note the district court denied Hazel's Rule 59(e) motion on the merits and because it was filed more than ten days after entry of judgment. Under amended Rule 59, effective December 1, 2009, Hazel had twenty-eight days in which to file his Rule 59 motion. Because he filed his motion within twenty-eight days of entry of judgment, it was timely. We affirm, however, the court's alternate disposition, denying the motion on the merits.