

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1919

CHUKWUMA E. AZUBUKO,

Plaintiff - Appellant,

versus

WILLIAM YOUNG, Chief Judge,

Defendant - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., District Judge. (CA-05-83)

Submitted: January 26, 2006

Decided: January 30, 2006

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Chukwuma E. Azubuko, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Chukwuma E. Azubuko 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 under 28 U.S.C. § 1915(e)(2)(B) (2000). We have reviewed the record and find that this appeal is frivolous. Accordingly, we dismiss the appeal on the reasoning of the district court. See Azubuko v. Young, No. CA-05-83 (M.D.N.C. filed Aug. 2, 2005 & entered Aug. 3, 2005). Further, we conclude that the district court did not abuse its discretion in construing Azubuko's motion for three-judge court as a motion to reconsider and denying the motion. See United States v. Winestock, 340 F.3d 200, 204 (4th Cir. 2003) ("District court decisions granting or denying [Fed. R. Civ. P.] 60(b) relief are reviewed for abuse of discretion. . . ."). We deny Azubuko's motion to proceed in forma pauperis. 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