

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1049

GILBERT L. SPURLOCK,

Plaintiff - Appellant,

versus

BANK OF AMERICA; DAVID SAUNDERS,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (CA-04-1193)

Submitted: May 31, 2006

Decided: June 26, 2006

Before MICHAEL, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gilbert L. Spurlock, Appellant Pro Se. John F. McCuskey, Christopher James Sears, SHUMAN, MCCUSKEY & SLICER, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gilbert L. Spurlock appeals the district court's orders accepting the report and recommendation of a magistrate judge and dismissing his civil complaint for lack of jurisdiction and denying his motion to remand. We have reviewed the record and find no reversible error. Accordingly, we affirm because the district court correctly concluded that it lacked jurisdiction to either entertain the merits of Spurlock's complaint or remand the case to state court. See Spurlock v. Bank of America, No. CA-04-1193 (S.D. W. Va. Dec. 2 and Dec. 13, 2005). We deny Spurlock's motion for appointment of counsel. 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