

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6553

ALLAN A. PETERSEN,

Plaintiff - Appellant,

versus

DOMINIC GUTIERREZ; S. MCCLINTOCK; OFFICER
SANDERS; R. TRYBIS; CAPTAIN ELZA; OFFICER
JUNKINS; WILLIAM LAYHUE,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Martinsburg. Irene M. Keeley, Chief
District Judge. (3:06-cv-00072-IMK)

Submitted: October 29, 2007

Decided: November 21, 2007

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allan A. Petersen, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Allan A. Petersen, a federal prisoner, filed a civil rights complaint pursuant to Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Petersen appeals the district court's order accepting the magistrate judge's recommendation to dismiss his retaliation claim for failure to state a claim upon which relief may be granted and the remaining claims without prejudice for failure to exhaust administrative remedies. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Petersen v. Gutierrez, No. 3:06-cv-00072-IMK (N.D. W. Va. Mar. 30, 2007). 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