

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1404**

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HERBERT HAYES,

Plaintiff - Appellant,

v.

KIMBRELL KELLY TUCKER, District Court Judge,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Louise W. Flanagan, Chief District Judge. (5:07-cv-00186-FL)

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Submitted: July 8, 2008

Decided: July 30, 2008

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Before NIEMEYER and MOTZ, Circuit Judges, and WILKINS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Herbert Hayes, Appellant Pro Se. Grady L. Balentine, Jr., Special Deputy Attorney General, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Herbert Hayes appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Hayes v. Tucker, No. 5:07-cv-00186-FL (E.D.N.C. Mar. 10, 2008). 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