

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1742**

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LARRY MILLER; 11TH SENATORIAL DISTRICT REPUBLICAN  
COMMITTEE,

Plaintiffs - Appellants,

v.

JEAN CUNNINGHAM, in her official capacity as Chairman of the Virginia State Board of Elections; HAROLD PYON, in his official capacity as Vice-Chairman of the Virginia State Board of Elections; NANCY RODRIQUES, in her official capacity as Secretary of the Virginia State Board of Elections,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, District Judge. (3:05-cv-00266-HEH)

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Submitted: February 23, 2009

Decided: March 18, 2009

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Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Patrick M. McSweeney, Wesley G. Russell, Jr., MCSWEENEY, CRUMP, CHILDRESS & TEMPLE, P.C., Richmond, Virginia; Kenneth T. Cuccinelli, II, Paul A. Prados, CUCCINELLI & DAY, PLLC, Fairfax, Virginia, for Appellants. Robert F. McDonnell, Attorney General, Stephen R. McCullough, State Solicitor General, James

V. Ingold, Senior Assistant Attorney General, William C. Mims, Chief Deputy Attorney General, William E. Thro, Special Counsel to the Attorney General, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Miller and the 11th Senatorial District Republican Committee appeal the district court's order denying their 42 U.S.C. § 1988(b) (2000) motion for attorneys' fees. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Miller v Cunningham, No. 3:05-cv-00266-HEH (E.D. Va. June 27, 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