

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1959

WESLEY EDWARD SMITH, III,

Plaintiff - Appellant,

v.

PEPSI BOTTLING GROUP; LYNN HOLLY; JOHN T. CAHILL; BOB MARSHALL; HERB JARVIS; RUSS ARNOLD; SEAN HELSEL; JOHNS BERISFORD; TIM ROSETTI; JEFF STEVENS; PAULETTE ALIVITI; MICHAEL FOWLER; STEVE BARBERIO; JOE VODERIC; RICHARD SIMMONS; SHARON SULLIVAN; ERIC MIZELL; MIKE CORREA; JENNIFER PANKAKE; ROBERT KUENZLI; JESSE WASHINGTON; CASSANDRA ATCHERSON; YATES BROWN, M.D.; JODY M. SMITHERMAN; SCOTT KATROSH; ASHELY B. ABLE; JOHNNIE DEVINE; JOSEPH ROBINSON; JERRY ABRAHAM; IRVIN HAYNES; TOM MIZELL; MYRA HILL; ROY MILLER,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:08-cv-02281-DCN)

Submitted: December 16, 2008

Decided: December 19, 2008

Before WILKINSON, MICHAEL and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wesley Edward Smith, III, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wesley Edward Smith, III, appeals the district court's order accepting the recommendation of the magistrate judge and dismissing his civil action pursuant to 42 U.S.C. § 1983 (2000). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Smith v. Pepsi Bottling Group, No. 2:08-cv-02281-DCN (D.S.C. Aug. 21, 2008). Additionally, we deny Smith's motion to dismiss. 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