

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2100

GENE E. SMITH, SR., an incompetent person,

Plaintiff - Appellant,

and

IDA M. CLARK, Guardian for Gene E. Smith, Sr.,

Party-in-Interest,

v.

ROGER L. HUNT, individually; JAMES C. MAHAN, individually;
LAWRENCE R. LEAVITT, individually; JOY GARNER,
individually; JULIE GIESBRECHT, individually; LANCE WILSON,
individually; ATC VANCOM INC, d/b/a ATC Van Deraa; BYRON E.
THOMAS; JAMES N. FOSTER, JR.; DANIEL G. FRITZ,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (2:08-cv-02068)

Submitted: December 17, 2008

Decided: January 5, 2009

Before MOTZ, TRAXLER, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gene E. Smith, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gene E. Smith, Sr., appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Smith v. Hunt, No. 2:08-cv-02068 (D.S.C. Sept. 15, 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. Smith's motion for reconsideration and motion for appointment of counsel are denied.

AFFIRMED