

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  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

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**No. 08-2112**

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JOSEPH P. PNIEWSKI,

Plaintiff - Appellant,

v.

MARJORIE MARTORELLA, individually and in her official capacity as special prosecutor of Wayne County; WAYNE COUNTY COMMISSION; WEST VIRGINIA PROSECUTING ATTORNEYS, a state agency,

Defendants - Appellees.

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Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:04-cv-00354)

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Submitted: April 23, 2009

Decided: April 29, 2009

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Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joseph P. Pniewski, Appellant Pro Se. Cheryl Lynne Connelly, CAMPBELL WOODS, PLLC, Huntington, West Virginia; Steven Kenneth Nord, OFFUTT NORD, Huntington, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph P. Pniewski appeals the district court's order accepting the recommendation of the magistrate judge and 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. Pniewski v. Martorella, No. 3:04-cv-00354 (S.D.W. Va. Aug. 25, 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