

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2183

GILBERT L. SPURLOCK,

Plaintiff - Appellant,

v.

MRS. LEAL; DEPARTMENT OF UNITED STATES ARMY,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:07-cv-00749)

Submitted: January 5, 2009

Decided: January 21, 2009

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

Affirmed by unpublished per curiam opinion.

Gilbert L. Spurlock, Appellant Pro Se. Carol A. Casto, Assistant United States Attorney, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gilbert L. Spurlock appeals the district court's order accepting the report and recommendation of the magistrate judge and dismissing his civil complaint for failure to timely respond to the court's order. We have reviewed the record and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. See Spurlock v. Leal, No. 3:07-cv-00749 (S.D.W. Va. Sept. 16, 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