

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 08-8116

WARREN CUTHA HESTER, II,

Plaintiff - Appellant,

v.

STATE OF WEST VIRGINIA; JOHN ALLEN HUTCHISON, Judge; KRISTEN LEIGH KELLER, in her official and individual capacities,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Thomas E. Johnston, District Judge. (5:07-cv-00401)

Submitted: December 16, 2008

Decided: December 29, 2008

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Warren Cutha Hester, II, Appellant Pro Se. John Michael Hedges, BYRNE, HEDGES & LYONS, Morgantown, West Virginia; Douglas Pryor Buffington, II, Chip E. Williams, PULLIN, FOWLER & FLANAGAN, PLLC, Beckley, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Warren Cutha Hester, II, seeks to appeal 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. United States v. Hester, No. 5:07-cv-00401 (S.W. Va. filed Sept. 18, 2008 and entered Sept. 19, 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