

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8188

1STARR DALTON,

Plaintiff - Appellant,

v.

WEST VIRGINIA DIVISION OF CORRECTIONS; DAVID BALLARD; JIM RUBENSTEIN; JASON COLLINS, Captain; MARGARET CLIFFORD, Lieutenant; JAMES MCCLOUD, Lieutenant; BRIAN MATTOX, Sergeant; CURTIS DIXON, Sergeant; CLINTON RYAN, Corporal; NATE KENDRICK, Corporal; MICHAEL ANGEL; GARRATTE ADAMS; BRIAN GREENWOOD,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Joseph R. Goodwin, Chief District Judge. (2:08-cv-00335)

Submitted: February 12, 2009

Decided: March 5, 2009

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

1Starr Dalton, Appellant Pro Se. David Edward Schumacher, Jason A. Winnell, BAILEY & WYANT, PLLC, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

1Starr Dalton appeals the district court's order accepting the proposed findings and recommendation of the magistrate judge and denying his motion for a preliminary injunction. We have reviewed the record and find no reversible error.

Dalton's complaint alleged physical abuse from correctional facility personnel. As part of the requested relief, Dalton sought an injunction directing his transfer to another correctional facility. Dalton then moved for a preliminary injunction, requesting an immediate transfer.

It is well-settled that a prisoner has no due process right to be housed in the facility of his choice. Meachum v. Fano, 427 U.S. 215, 223-24 (1976). Likewise, liberty interests are not implicated by transfers between prisons. Olim v. Wakinekona, 461 U.S. 238, 248 (1983). Thus, Dalton did not demonstrate the likelihood of success on the merits of his claim for injunctive relief, and the district court properly denied his motion for a preliminary injunction.

Although Dalton stresses that the district court's order indicates it was unaware of, and thus neglected to review, his objections to the magistrate judge's proposed findings and recommendation, such review could not have changed the outcome of the decision. Accordingly, we affirm the order of the

district court. 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