

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1302

EARL BROWN,

Plaintiff - Appellant,

v.

SEARS AUTOMOTIVE CENTER, and/or; SEARS ROEBUCK AND CO.,

Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:08-cv-00690-JAB-PTS; 1:01-cv-00067-JAB)

Submitted: June 22, 2009

Decided: July 15, 2009

Before TRAXLER, Chief Judge, and MICHAEL and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Earl Brown, Appellant Pro Se. John Doughty Cole, Sr., OGLETREE, DEAKINS, NASH, SMOAK & STEWART, PC, Charlotte, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Earl Brown appeals the district court's order accepting the recommendation of the magistrate judge and dismissing his civil action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Brown v. Sears Automotive Center, Nos. 1:08-cv-00690-JAB-PTS; 1:01-cv-00067-JAB (M.D.N.C. Feb. 10, 2009). Although we grant leave to proceed in forma pauperis, 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