

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1331**

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FRANK S. KULA,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Robert E. Maxwell, Senior District Judge. (3:07-cv-00114-REM-JES)

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Submitted: June 22, 2009

Decided: June 29, 2009

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Before MICHAEL, TRAXLER, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Frank S. Kula, Appellant Pro Se. Rita R. Valdrini, Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frank S. Kula appeals the district court's order accepting the recommendation of the magistrate judge and dismissing his civil complaint for lack of subject matter jurisdiction and for failure to state a claim. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Kula v. United States, No. 3:07-cv-00114-REM-JES (N.D.W. Va. Jan. 28, 2009). 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