

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1633**

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TOMMY LEE STEVENS,

Plaintiff - Appellant,

v.

TOM EFFLER, Detective,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Malcolm J. Howard, Senior District Judge. (5:08-cv-00618-H)

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Submitted: September 29, 2009

Decided: October 5, 2009

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Tommy Lee Stevens, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tommy Lee Stevens appeals the district court's order accepting the recommendation of the magistrate judge and dismissing as frivolous his 42 U.S.C. § 1983 (2006) complaint under 28 U.S.C. § 1915(e)(2)(B) (2006). We have reviewed the record and find that this appeal is frivolous. Accordingly, we dismiss the appeal for the reasons stated by the district court. Stevens v. Effler, No. 5:08-cv-00618-H (E.D.N.C. May 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.

DISMISSED