

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6218**

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BENNIE A. MACK, JR.,

Plaintiff - Appellant,

v.

WILLIAM L. OSTEEN, JR., in his individual capacity and in his official capacity as Federal District Court Judge for the Middle District of North Carolina; KAREN L. NENSTEIL, in her individual capacity and in her official capacity as a former agent for the North Carolina State Bureau of Investigation; ROBERT M. HAMILTON, in his individual and in his official capacity as an Assistant United States Attorney; JOSEPH M. WILSON, JR., in his individual capacity and in his official capacity as a practicing attorney and partner in the Law Firm of "Merritt Flebotte Wilson Webb & Carusso PLLC; PAUL TREVOR SHARP, in his individual capacity and in his official capacity as a Federal Magistrate Judge for the Middle District of North Carolina; JUDGE WALLACE W. DIXON, in his individual capacity and in his official capacity as a Federal Magistrate Judge for the Middle District of North Carolina; ERIC H. HOLDER, JR., in his individual capacity and in his official capacity as United States Attorney General; ANNA MILLS WAGONER, in her individual capacity and in her official capacity as United States Attorney for the Middle District of North Carolina; FRANK J. CHUT, JR., in his individual capacity and in his official capacity as Assistant United States Attorney for the Middle District of North Carolina; ROBIN PENDERGRAFT, in her individual capacity and in her official capacity as Director of the North Carolina State Bureau of Investigation; NC ATTORNEY GENERAL ROY COOPER, in his individual capacity and in his official capacity as North Carolina Attorney General; KEVIN SNEAD, in his individual capacity and in his official capacity as an agent for the North Carolina State Bureau of Investigation,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:08-cv-00776-NCT-RAE)

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Submitted: April 23, 2009

Decided: May 5, 2009

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Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Bennie A. Mack, Jr., Appellant Pro Se. Anthony Paul Giorno, Assistant United States Attorney, Roanoke, Virginia, Gill Paul Beck, Sr., Robert Michael Hamilton, Assistant United States Attorneys, Greensboro, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bennie A. Mack, Jr., appeals the district court's order accepting the recommendation of the magistrate judge and dismissing his 42 U.S.C. § 1983 (2006) complaint under 28 U.S.C. § 1915A(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. Mack v. Osteen, No. 1:08-cv-00776-NCT-RAE (M.D.N.C. Jan. 30, 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