

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 09-7224**

---

STUART WAYNE TOMPKINS,

Plaintiff - Appellant,

v.

DAVID MITCHELL, Superintendent,

Defendant - Appellee.

---

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, Senior District Judge. (1:08-cv-00322-GCM)

---

Submitted: October 1, 2010

Decided: October 25, 2010

---

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Stuart Wayne Tompkins, Appellant Pro Se. Yvonne Bulluck Ricci, Assistant Attorney General, Raleigh, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stuart Wayne Tompkins appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Tompkins v. Mitchell, No. 1:08-cv-00322-GCM (W.D.N.C. Apr. 14, 2009). Tompkins' motions for default judgment, for a temporary restraining order or preliminary injunction, and for appointment of counsel are denied. 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