

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6740

CORY ANTHONY SIMPSON,

Plaintiff - Appellant,

v.

OFFICER KAPELUCK; C. J. HOWELL, Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (2:09-cv-00021)

Submitted: November 18, 2010

Decided: November 30, 2010

Before SHEDD and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Cory Anthony Simpson, Appellant Pro Se. Michael Deering Mullins, STEPTOE & JOHNSON, L.L.P., Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cory Anthony Simpson appeals the district court's order declining to accept the magistrate judge's recommendation to dismiss his 42 U.S.C. § 1983 (2006) complaint for failure to prosecute, and granting Defendants' motion for summary judgment on the merits of the action. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Simpson v. Kapeluck, No. 2:09-cv-00021 (S.D.W. Va. May 14, 2010). We further deny Simpson's motion for appointment of counsel. 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