

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6131

RODNEY BOOMER,

Plaintiff - Appellant,

v.

KUMA DEBOO; SHU OFFICER BARNES; SHU OFFICER PHARRELL;
COUNSELOR DICKENS,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. John Preston Bailey,
Chief District Judge. (2:11-cv-00007-JPB-DJJ)

Submitted: May 4, 2012

Decided: May 9, 2012

Before GREGORY, DUNCAN, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Rodney Boomer, Appellant Pro Se. Alan McGonigal, Assistant
United States Attorney, Wheeling, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Boomer appeals the district court's order accepting the recommendation of the magistrate judge and dismissing the claim he asserted under the Federal Tort Claims Act (the "FTCA"), 28 U.S.C.A. §§ 2671-2680 (West 2006 & Supp. 2011). We have reviewed the record and find no reversible error.* Accordingly, we deny Boomer's pending motion to appoint counsel and affirm the judgment of the district court. 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

* In so concluding, we find it unnecessary to evaluate whether the district court correctly concluded that the prison mailbox rule is inapplicable to FTCA administrative claims. Even assuming the mailbox rule does apply, Boomer failed to adduce any support for his unsworn recitation that his administrative claim was submitted prior to his initiation of this litigation. Thus, the district court properly concluded that it lacked jurisdiction to entertain Boomer's complaint.