

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-6935**

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JAMES ANDERSON-EL,

Plaintiff - Appellant,

v.

CHIEF OF AUXILIARY SERVICES,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:11-ct-03170-D)

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Submitted: September 26, 2012                      Decided: September 28, 2012

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Before SHEDD, DUNCAN, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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James Anderson-El, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Anderson-El appeals the district court's orders dismissing his 42 U.S.C. § 1983 (2006) complaint under 28 U.S.C. § 1915A(b) (2006), and denying his motion for reconsideration. We have reviewed the record and find no reversible error. Although the district court characterized Anderson's post-judgment motion as one pursuant to Fed. R. Civ. P. 60(b),\* it did not abuse its discretion in denying the motion where an amendment would be futile. See Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc., 674 F.3d 369, 378-79 (4th Cir. 2012). Accordingly, we affirm for the reasons stated by the district court. Anderson-El v. Chief of Auxiliary Servs., No. 5:11-ct-03170-D (E.D.N.C. Mar. 12, 2012 & May 22, 2012). 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

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\* Because Anderson's post-judgment motion was filed on the twenty-eighth day after entry of the order of dismissal, it should have been treated as a motion to alter or amend a judgment pursuant to Fed. R. Civ. P. 59(e). So construed, however, the outcome does not change.