

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6703

WAYNE RESPER,

Plaintiff - Appellant,

v.

DEREK A. BAER, Officer,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:13-cv-00024-PJM)

Submitted: September 20, 2013

Decided: September 30, 2013

Before DUNCAN, KEENAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wayne Resper, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wayne Resper appeals the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint under 28 U.S.C. § 1915(e)(2)(B) (2006) as barred by the statute of limitations. We have reviewed the record and find no reversible error. Accordingly, we affirm substantially for the reasons stated by the district court. See Resper v. Baer, No. 8:13-cv-00024-PJM (D. Md. Jan. 15 & Mar. 26, 2013). In addition, we note that "in Maryland, following the voluntary dismissal of a civil action without prejudice, a second complaint based upon the same facts still must be filed within the applicable limitations period." Sheng Bi v. Gibson, 45 A.3d 305, 309 (Md. App. 2012).^{*} We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

^{*} Federal courts must apply the forum state's rules for tolling the statute of limitations. Bd. of Regents v. Tomanio, 446 U.S. 478, 483-84 (1980).