

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1762

ELBERT HICKS,

Plaintiff - Appellant,

v.

MEGAN J. BRENNAN, Postmaster General U.S. Postal Service,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, District Judge. (2:16-cv-00089-MSD-LRL)

Submitted: April 23, 2018

Decided: May 4, 2018

Before NIEMEYER, DUNCAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Elbert Hicks, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elbert Hicks appeals the district court's order (1) denying his Fed. R. Civ. P. 54(b) motion to reconsider its partial grant of Appellee's first motion to dismiss, (2) granting Appellee's Rule 54(b) motion to reconsider its partial denial of Appellee's first motion to dismiss, and (3) granting Appellee's second motion to dismiss. We have reviewed the record and find no reversible error. We conclude that Hicks' restoration of rights claim is barred on the basis of res judicata, a defense raised by Appellee below. *See United States ex rel. Drakeford v. Tuomey*, 792 F.3d 364, 375 (4th Cir. 2015) (noting that "we may affirm a district court's ruling on any ground apparent in the record"); *Pueschel v. United States*, 369 F.3d 345, 354-55 (4th Cir. 2004) (providing elements of res judicata). For the remainder of Hicks' claims, we affirm for the reasons stated by the district court. *Hicks v. Brennan*, No. 2:16-cv-00089-MSD-LRL (E.D. Va. Nov. 30, 2016 & Apr. 27, 2017). 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