

UNPUBLISHED

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

No. 18-6511

CHRISTIAN PEARSON,

Plaintiff - Appellant,

v.

ELIZABETH PANAGUITON; WILLIAM GOODE; JANICE JEON;
DIANASSOCIATES; MS. KELLY LUCAS; HIPOLITO D. MATOS; DONNA
SMITH; BART MASTERS; EDDIE ANDERSON; REBECCA GROVE; MR. M.
WEAVER, Sued in their individual capacities,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia,
at Bluefield. David A. Faber, Senior District Judge. (1:15-cv-07411)

Submitted: December 20, 2018

Decided: December 26, 2018

Before AGEE and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Christian Pearson, Appellant Pro Se. Matthew Charles Lindsay, OFFICE OF THE
UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christian Pearson appeals the district court's opinion and order overruling his objections to the magistrate judge's proposed findings and recommendation and dismissing his claims under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2671-2680 (2012).^{*} On appeal, Pearson argues that he should be exempted from the prefiling screening requirements of the West Virginia Medical Professional Liability Act, W. Va. Code Ann. § 55-7B (2016) (LexisNexis 2016 & Supp. 2018). We have reviewed the record and conclude that the district court did not abuse its discretion in declining to grant Pearson such an exception. Accordingly, we affirm for the reasons stated by the district court. *Pearson v. Panaguiton*, No. 1:15-cv-07411 (S.D.W. Va. Apr. 27, 2018).

Pearson also seeks to appeal the district court's denial of his motion to appoint counsel. But we have already affirmed that element of the district court's opinion and order. *Pearson*, 699 F. App'x at 175. 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

^{*} We previously affirmed the district court's dismissal of Pearson's claims under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). *Pearson v. Panaguiton*, 699 F. App'x 174, 175 (4th Cir. 2017) (No. 16-7385). Accordingly, this appeal implicates only Pearson's FTCA medical malpractice claims.