

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-6386**

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EUGENE ELLIOTT MORLEY,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director of the Virginia Department of Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, Chief District Judge. (2:15-cv-00134-MSD-LRL)

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Submitted: July 17, 2019

Decided: July 24, 2019

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Before MOTZ, AGEE, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Eugene Elliott Morley, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eugene Elliott Morley appeals the district court's order accepting the recommendation of the magistrate judge in part, construing Morley's "Motion for Further Action" as a Fed. R. Civ. P. 60(b) motion and dismissing it as untimely. We have reviewed the record and find no reversible error. Accordingly, we grant leave to proceed in forma pauperis and affirm for the reasons stated by the district court. *Morley v. Clarke*, No. 2:15-cv-00134-MSD-LRL (E.D. VA. Feb. 22, 2019). We deny a certificate of appealability as unnecessary, *see Harbison v. Bell*, 556 U.S. 180, 183 (2009), and 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*