

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-6244**

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DONALD EDWARD SMITH,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; JENNIFER ADKINS, FNP,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:19-ct-03332-BO)

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Submitted: November 22, 2022

Decided: November 28, 2022

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Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Donald Edward Smith, Appellant Pro Se. Sharon Coull Wilson, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donald Edward Smith appeals the district court's order dismissing his claim under *Bivens*\* for failure to state a claim and his claim under the Federal Tort Claims Act for lack of subject matter jurisdiction. We have reviewed the record and discern no reversible error. Accordingly, we affirm. *Smith v. United States*, No. 5:19-ct-03332-BO (E.D.N.C. Feb. 17, 2022). 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*

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\* *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).