

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-2266**

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JOSEPH M. RUSSELL,

Plaintiff - Appellant,

v.

DENNIS J. SMITH,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Jerome B. Friedman, District Judge. (4:08-cv-00070-JBF-JEB)

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Submitted: January 15, 2009

Decided: January 21, 2009

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Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Joseph M. Russell, Appellant Pro Se. Christina Nicole Gilliam, Assistant Attorney General, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph M. Russell appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Russell v. Smith, No. 4:08-cv-00070-JBF-JEB (E.D. Va. Oct. 6, 2008). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED