

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-2076

CARLTON SHAW,

Plaintiff - Appellant,

v.

BEAUFORT COUNTY SHERIFF'S OFFICE,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Sol Blatt, Jr., Senior District Judge. (9:05-cv-03253-SB)

Submitted: October 31, 2008

Decided: November 13, 2008

Before MICHAEL, MOTZ, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Chalmers C. Johnson, Renton, Washington, for Appellant. Mary Bass Lohr, HOWELL, GIBSON & HUGHES, P.A., Beaufort, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carlton Shaw appeals the district court's order accepting the recommendation of the magistrate judge and granting judgment for the Beaufort County Sheriff's Office in Shaw's employment discrimination action. We affirm the district court's finding that the complaint is subject to dismissal without prejudice for insufficient service of process.*

We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court in its analysis of the service of process issue. See Shaw v. Beaufort County Sheriff's Office, No. 9:05-cv-03253-SB, 2007 WL 2903940 (D.S.C. Oct. 1, 2007). 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

*Because we agree with the district court that service of process was not properly effected, we have not considered, and do not address, the court's alternative conclusion that Shaw's complaint fails on its merits.