

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6115

SHAWN A. PHILLIPS,

Plaintiff - Appellant,

v.

JOE D. DRIVER, Warden; L. ODDO, Captain; MR. ANTONELLIE,
SIS Lieutenant; D. GREENWALT, Food Service Administrator,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Clarksburg. Irene M. Keeley,
District Judge. (1:07-cv-00102-IMK-JSK-1)

Submitted: July 21, 2011

Decided: July 25, 2011

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON,
Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Shawn A. Phillips, Appellant Pro Se. Helen Campbell Altmeyer,
Assistant United States Attorney, Wheeling, West Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn A. Phillips appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680 (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Phillips v. Driver, No. 1:07-cv-00102-IMK-JSK-1 (N.D.W. Va. Dec. 16, 2009). We deny Phillips' motion for appointment of counsel, motion to compel and motion for reconsideration. We deny his petition for writ of mandamus seeking documents from the district court.* 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

* Mandamus relief is available only when the petitioner has a clear right to the relief sought, In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988), and Phillips has not made such a showing.