

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7028

WILLIAM MCGURGAN,

Petitioner - Appellant,

v.

WARDEN,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Robert W. Twombles, Magistrate Judge. (1:16-cv-00111-IMK-RWT)

Submitted: November 28, 2016

Decided: December 15, 2016

Before SHEDD, AGEE, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William McGurgan, Appellant Pro Se. Laura Young, OFFICE OF THE ATTORNEY GENERAL, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William McGurgan appeals the order of the magistrate judge denying as moot his motion for leave to proceed without prepayment of fees. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. McGurgan v. Warden, No. 1:16-cv-00111-IMK-RWT (N.D.W. Va. July 20, 2016). Leave to proceed in forma pauperis is granted. 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. The motion for appointment of counsel is denied.

AFFIRMED