UNPUBLISHED

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 07-7401

ERIC L. TOLBERT,

Plaintiff - Appellant,

versus

LIEUTENANT BURKE; SERGEANT WILLIAMS; CORRECTIONAL OFFICER BRUMELL; CORRECTIONAL OFFICER PHIFER; CORRECTIONAL OFFICER ROYSTER; CORRECTIONAL OFFICER MOONY; CORRECTIONAL OFFICER FIELDS; CORRECTIONAL OFFICER MELTON; DENNIS ROWLAND; CAPTAIN AUSTIN,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, Chief District Judge. (5:06-ct-03077)

Submitted: January 8, 2008

Before WILKINSON and MICHAEL, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Eric L. Tolbert, Appellant Pro Se. Yvonne Bulluck Ricci, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

Decided: January 16, 2008

PER CURIAM:

Eric L. Tolbert appeals the district court's order granting summary judgment to the defendants 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. <u>See Tolbert v. Burke</u>, No. 5:06-ct-03077-FL (E.D.N.C. Aug. 15, 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