

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7112

ADIB EDDIE RAMEZ MAKDESSI,

Plaintiff - Appellant,

v.

AYERS, Correctional Officer; POPE, Correctional Officer;
JOHNSON, Correctional Officer; MAJOR R. KELLY, Chief of
Security, Keen Mountain Correctional Center,

Defendants - Appellees,

and

HAROLD W. CLARKE, Director of DOC; JOHN DOE, Director of
Western Regional; GEORGE HINKLE, Regional Administrator; L.
J. FLEMING, Warden; JANE DOE; JOHN DOE; ROY CLARY, Assistant
Warden, Keen Mountain Correctional Center; MAJOR GALLIHAR,
Red Onion Prison; LT. MCQUEEN, Red Onion Prison; LT. FIELDS,
Wallens Ridge Prison; KISER, Asst. Warden, Wallens Ridge
Prison; SYKES, Unit Manager, Keen Mountain Correctional
Center; LT. OWENS, Keen Mountain Correctional Center;
OFFICER YATES, Keen Mountain Correctional Center; OFFICER
PHILIP, Keen Mountain Correctional Center; RYAN YATES,

Defendants.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Glen E. Conrad, Chief
District Judge. (7:13-cv-00079-GEC-PMS)

Submitted: November 30, 2015

Decided: December 21, 2015

Before GREGORY, AGEE, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Adib Eddie Ramez Makdessi, Appellant Pro Se. Nancy Hull Davidson, Assistant Attorney General, Richard Carson Vorhis, Senior Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adib Eddie Ramez Makdessi appeals the district court's order adopting the magistrate judge's recommendation, entered following a bench trial, to deny relief in Makdessi's 42 U.S.C. § 1983 (2012) action. We affirm the judgment.

"This [c]ourt reviews judgments stemming from a bench trial under a mixed standard: factual findings are reviewed for clear error, whereas conclusions of law are reviewed de novo." Helton v. AT & T, Inc., 709 F.3d 343, 350 (4th Cir. 2013). "[W]hen a district court's factual finding in a bench trial is based upon assessments of witness credibility, such finding is deserving of the highest degree of appellate deference." Evergreen Int'l, S.A. v. Norfolk Dredging Co., 531 F.3d 302, 308 (4th Cir. 2008) (internal quotation marks omitted). Our review of the trial record confirms that there is no clear error in any of the magistrate judge's factual findings, which were wholesale adopted by the district court, and that the district court did not err in adopting the legal conclusions the magistrate judge drew from these facts.

Accordingly, we affirm the entry of judgment in favor of Defendants for the reasons stated by the district court in its accompanying memorandum opinion. See Makdessi v. Ayers, No. 7:13-cv-00079-GEC-PMS (W.D. Va. July 2, 2015). 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.

AFFIRMED