

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1176

JOHN D. MCALLISTER,

Plaintiff - Appellant,

v.

TIMOTHY MALFITANO, Detective, J.P.D.; DETECTIVE SELOGY, J.P.D.;
POLICE CHIEF MICHAEL YANIERO, J.P.D.; NICCOYA DOBSON, A.D.A.;
ERNIE R. LEE, District Attorney,

Defendants - Appellees,

and,

INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA,

Defendant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. James C. Dever III, District Judge. (7:17-cv-00066-D)

Submitted: July 31, 2019

Decided: September 3, 2019

Before WYNN and FLOYD, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

John D. McAllister, Appellant Pro Se. Brian Edes, CROSSLEY MCINTOSH COLLIER
HANLEY & EDES PLLC, Wilmington, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John D. McAllister appeals the district court's order denying his motion for summary judgment and granting the motion for summary judgment filed by Defendants Timothy Malfitano and Steven A. Selogy. We review de novo the district court's disposition of cross-motions for summary judgment. *Bostic v. Schaefer*, 760 F.3d 352, 370 (4th Cir. 2014). "When cross-motions for summary judgment are before a court, the court examines each motion separately, employing the familiar standard under Rule 56 of the Federal Rules of Civil Procedure." *Desmond v. PNGI Charles Town Gaming, L.L.C.*, 630 F.3d 351, 354 (4th Cir. 2011). "Summary judgment is appropriate 'if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.'" *Lawson v. Union Cty. Clerk of Court*, 828 F.3d 239, 247 (4th Cir. 2016) (quoting Fed. R. Civ. P. 56(a)).

We have reviewed the record and find no reversible error in the district court's decision to grant summary judgment in favor of Malfitano and Selogy. Accordingly, we grant leave to proceed in forma pauperis and affirm for the reasons stated by the district court. *McAllister v. Malfitano*, No. 7:17-cv-00066-D (E.D.N.C. Feb. 8, 2019). We grant McAllister's motion to dismiss the appeal as to the remaining Appellees. 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