Wagner v. Burtt Doc. 920060726

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6304

THEODORE THOMAS WAGNER,

Plaintiff - Appellant,

versus

STAN BURTT, Warden Leiber CI; MRS. L. CARYTON, Inmate Grievance LCI; MRS. WATFORD, Classification LCI all in their individual and official capacities; MR. CSEAR, Classification Sup LCI; JONATHAN E. OZMINT, Director SCDC,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. G. Ross Anderson, Jr., District Judge. (3:05-cv-00372-GRA)

Submitted: July 20, 2006 Decided: July 26, 2006

Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Theodore Thomas Wagner, Appellant Pro Se. Nikole Deanna Haltiwanger, RILEY, POPE & LANEY, L.L.C., Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

Dockets.Justia.com

PER CURIAM:

Theodore Thomas Wagner, a South Carolina state prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2000) complaint in which he claims that his constitutional rights were violated by exposure to second-hand, environmental tobacco smoke. We have reviewed the record and find that Wagner failed to establish that he was entitled to relief. Helling v. McKinney, 509 U.S. 25, 33-35 (1993) (providing standard). Accordingly, we affirm for the reasons stated by the district court. Wagner v. Burtt, No. 3:05-cv-00372-GRA (D.S.C. Jan. 13, 2006). 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