

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1052

JAMES DAVID CASE, as Personal Representative
for the Estate of David Scott Case,

Plaintiff - Appellant,

and

DAVID SCOTT CASE, deceased,

Plaintiff,

versus

M. C. STEWART; GASTON COUNTY,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. David C. Keesler,
Magistrate Judge. (3:03-cv-00388)

Submitted: September 28, 2007

Decided: June 3, 2008

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard J. Lutzel, LUTZEL, GANDY & BROADWAY, PLLC, Mooresville,
North Carolina, for Appellant. Martha Raymond Thompson, STOTT,
HOLLOWELL, PALMER & WINDHAM, Gastonia, North Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James David Case, as personal representative of the estate of his son, David Scott Case, appeals the magistrate judge's order* granting summary judgment to Officer M.C. Stewart and Gaston County, North Carolina, on Case's claims under 42 U.S.C. § 1983 (2000) and state law. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the magistrate judge. See Case v. Stewart, No. 3:03-cv-00388 (W.D.N.C. Jan. 4, 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

*The parties consented to exercise of jurisdiction by a U.S. magistrate judge. See 28 U.S.C. § 636(c) (2000).