

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-2124

JERRY ADAMS,

Plaintiff - Appellant,

v.

CHRIS JONES, Delegate, in his Official Capacity as Mayor for the City of Suffolk, Virginia; CITY OF SUFFOLK, VIRGINIA; W. FREEMAN, in his Official Capacity as Chief of Police for the City of Suffolk, Virginia; CHIEF OF POLICE ONE, in his Official Capacity as Chief of Police for the City of Suffolk, Virginia; C. PHILLIPS FERGUSON, in his Official Capacity as Commonwealth Attorney for the City of Suffolk, Virginia; DAVE MCALLISTER, in his Official Capacity as Head of Virginia State Crash Team; SERGEANT ONE, in his Official Capacity as a Virginia State Policeman; CAPTAIN ONE, in his Official Capacity as Captain of the Suffolk Police Department; RODHAM T. DELK, JR., Judge, in his Official Capacity as Judge for the Circuit Court of Suffolk, Virginia; CITY MANAGER ONE, in his Official Capacity as City Manager of the City of Suffolk, Virginia,

Defendants - Appellees.

No. 08-1206

JERRY ADAMS,

Plaintiff - Appellant,

v.

CHRIS JONES, Delegate, in his Official Capacity as Mayor for the City of Suffolk, Virginia; CITY OF SUFFOLK, VIRGINIA; W.

FREEMAN, in his Official Capacity as Chief of Police for the City of Suffolk, Virginia; CHIEF OF POLICE ONE, in his Official Capacity as Chief of Police for the City of Suffolk, Virginia; C. PHILLIPS FERGUSON, in his Official Capacity as Commonwealth Attorney for the City of Suffolk, Virginia; DAVE MCALLISTER, in his Official Capacity as Head of Virginia State Crash Team; SERGEANT ONE, in his Official Capacity as a Virginia State Policeman; CAPTAIN ONE, in his Official Capacity as Captain of the Suffolk Police Department; RODHAM T. DELK, JR., Judge, in his Official Capacity as Judge for the Circuit Court of Suffolk, Virginia; CITY MANAGER ONE, in his Official Capacity as City Manager of the City of Suffolk, Virginia,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (2:05-cv-00434-RBS)

Submitted: April 28, 2008

Decided: June 17, 2008

Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jerry Adams, Appellant Pro Se. William Edward Hutchings, Jr., OFFICE OF THE CITY ATTORNEY, Suffolk, Virginia; Christopher Ambrosio, Lisa Lieberman Thatch, VANDEVENTER & BLACK, LLP, Norfolk, Virginia; Stephen Michael Hall, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Adams appeals the district court's orders dismissing his motion filed under Fed. R. Civ. P. 60(b), and imposing sanctions pursuant to Fed. R. Civ. P. 11, in the amount of \$3500. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Adams v. Jones, No. 2:05-cv-00434-RBS (E.D. Va. Oct. 25, 2007; Nov. 14, 2007; Jan. 2, 2008; Jan. 22, 2008). We also grant Adams' unopposed motion to dismiss C. Phillips Ferguson as a party, and we deny Adams' motion for discovery.

Turning to Appellee Ferguson's motion for damages and costs under Fed. R. App. P. 38, we deny the motion in light of the sanctions imposed by the district court and the fact that Adams has not filed numerous frivolous appeals in the past. Cf. Foley v. Fix, 106 F.3d 556, 558 (4th Cir. 1997) (imposing \$500 in damages and costs where appellant filed twenty-three appeals in one year); Vestal v. Clinton, 106 F.3d 553, 555 (4th Cir. 1997) (finding sanctions warranted for seven frivolous appeals in one year). We warn Adams, however, that his continued pursuit of frivolous claims in this court may result in the award of damages or costs or other sanctions under Rule 38.

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