

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6442

STANLEY EARL CORBETT, JR.,

Plaintiff - Appellant,

versus

OFFICER TAYLOR, Correctional Officer at Foothills Correctional Institution, sued in individual and official capacity; OFFICER STAPLETON, Correctional Officer at Foothills Correctional Institution, sued in individual and official capacity; OFFICER HOUSTON, Correctional Officer at Foothills Correctional Institution, sued individual and official capacity; OFFICER FISHER, Correctional Officer at Foothills Correctional Institution, sued in individual and official capacity; OFFICER ROLAND, Correctional Officer at Foothills Correctional Institution, sued in individual and official capacity; OFFICER PATTERSON, Correctional Officer at Foothills Correctional Institution sued, in individual and official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, Senior District Judge. (1:06-cv-00229)

Submitted: June 20, 2007

Decided: July 11, 2007

Before WILLIAMS, Chief Judge, KING, Circuit Judge, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Stanley Earl Corbett, Jr., Appellant Pro Se. Lisa Yvette Harper,
Assistant Attorney General, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stanley E. Corbett, Jr., appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint. We have reviewed the record and find that the undisputed facts do not support an inference that the officers' use of force was malicious or wanton. Because we find as a matter of law that their conduct does not satisfy the subjective requirement of an Eighth Amendment violation, we do not reach the objective requirement. See Hudson v. McMillian, 503 U.S. 1, 6-8 (1992). Accordingly, we affirm the judgment of the district court for that reason. See Corbett v. Taylor, No. 1:06-cv-00229 (W.D.N.C. Feb. 21, 2007). We deny Corbett's motion for the appointment of counsel. 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