

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6896

DERRANCE L. RAMSEY,

Plaintiff - Appellee,

v.

DANNY BROWN, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Matthew J. Perry, Jr., Senior District Judge. (3:07-cv-00745-MJP)

Submitted: October 6, 2010

Decided: March 21, 2011

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

Dismissed by unpublished per curiam opinion.

Andrew F. Lindemann, Robert D. Garfield, DAVIDSON & LINDEMANN, P.A., Columbia, South Carolina, for Appellant.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Danny Brown, Jr., appeals the district court's order denying his motion for summary judgment on the grounds of qualified immunity. Brown takes issue with the district court's findings and contends that he is entitled to qualified immunity because there are no genuine issues of material fact. However, the respective versions of the facts offered by the parties below were so divergent that judgment as a matter of law is precluded. And "a defendant, entitled to invoke a qualified immunity defense, may not appeal a district court's summary judgment order insofar as that order determines whether or not the pretrial record sets forth a 'genuine' issue of fact for trial." Culosi v. Bullock, 596 F.3d 195, 201 (4th Cir. 2010) (quoting Johnson v. Jones, 515 U.S. 304, 319-20 (1995)).

Accordingly, we dismiss this interlocutory appeal for lack of jurisdiction. 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.

DISMISSED