

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8017

JAMES STRONG,

Plaintiff - Appellant,

v.

TYRONE MURRAY, South Carolina Department of Corrections
employee; SAM DUCKETT, South Carolina Department of
Corrections employee; PHILLIP ADAMS, South Carolina
Department of Corrections employee,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Margaret B. Seymour, District
Judge. (2:03-cv-02256-MBS)

Submitted: November 3, 2009

Decided: November 17, 2009

Before SHEDD and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

James Strong, Appellant Pro Se. Andrew Lindemann, Kathy Anne
Rice, DAVIDSON & LINDEMANN, PA, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Strong appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2006) complaint. In its final judgment, the district court referenced its prior orders granting the Defendants' motion for summary judgment in part, and entered judgment in favor of the Defendants in accordance with the jury's verdict on the remaining claims. We have reviewed the record and Strong's claims challenging the partial grant of summary judgment and find no reversible error. Next, we have considered Strong's claims regarding the jury trial and conclude that they are without merit. We will reverse a jury's verdict only when there is a complete absence of probative facts to support the jury's conclusions. Sherrill White Constr., Inc. v. South Carolina Nat'l Bank, 713 F.2d 1047, 1050 (4th Cir. 1983). Further, in reviewing the jury's verdict, we do not weigh the evidence or review the credibility of the witnesses. United States v. Saunders, 886 F.2d 56, 60 (4th Cir. 1989). Because the jury clearly believed the testimony of the Defendants' witnesses, Strong cannot show that there was a complete absence of probative facts to support the jury's verdict.

Accordingly, we affirm the district court's order. Strong v. Murray, No. 2:03-cv-02256-MBS (D.S.C. Sept. 11, 2008).

We deny the motion for appointment of counsel and 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