

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8035

SHANGO DAMBALLAH, f/k/a Harold Mosley,

Plaintiff - Appellant,

v.

GWENDOLYN A. BRIGHT, Director of Parole Board Support Services; JAMES A. WILLIAMS, Chairman of Parole Board; ORTON BELLAMY, Vice Chair of Parole Board; MARLENE MCCLAIN, Secretary of Parole Board; DWAYNE M. GREEN, Member of Parole Board; JIM GORDON, Member of Parole Board; JOHN MCCARROLL, Member of Parole Board; J. P. HODGES, Member of Parole Board; C. DAVID, Member of Parole Board sued in their official capacities for declaratory and injunctive relief; SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, sued for declaratory and injunctive relief,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Henry M. Herlong, Jr., District Judge. (2:08-cv-02867-HMH)

Submitted: December 16, 2008

Decided: January 5, 2009

Before MICHAEL, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Shango Damballah, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shango Damballah appeals the district court order and judgment adopting the magistrate judge's report and recommendation and dismissing his civil rights complaint. We have reviewed the record, the district court order and the claims raised on appeal, and affirm. The timing of the psychological examination was not improper and Damballah was not entitled to a second hearing prior to his parole being rescinded. See Jago v. Van Curen, 454 U.S. 14, 19-20 (1981). Nor was Damballah entitled to treatment by the South Carolina Department of Probation, Parole and Pardon Services because he was not under the Department's supervision. Finally, insofar as Damballah challenges the September 3, 2008 denial of parole, this issue was not raised below and is not reviewable by this court. See Singleton v. Wulff, 428 U.S. 106, 120 (1976).

Accordingly, we affirm. 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