

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6680**

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KEVIN SMITH, a/k/a Royal Blackness, a/k/a Bar None,

Plaintiff - Appellant,

v.

JON E. OZMINT; ROBERT E. WARD; JAMES E. SLIGH, JR.; JOHN LUNDEN; DAVID TATARSKI; BERNARD MCKIE; VAUGHN JACKSON; GARY LANE; CHARLES AMAKER; J. PECK; GLENN ALEWINE; WILLIAM LITRELL; NED COOPER; BRENT A. MILLS; LARRY KONG, of American Amenities, Incorporated in their official and individual capacity; AMERICAN AMENITIES INCORPORATED,

Defendants - Appellees,

and

ESTHER QUATTLEBAUM; DENNIS DUNLAP; J. C. BROWN; ROBERT ESPISITO; H. BOATMAN; VERONICA SMITH; DENISE CANNARELLA; BRETT, R.N.; AEDEC INTERNATIONAL, INCORPORATED; MCMASTER; JOHN DOE,

Defendants.

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**No. 09-7540**

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KEVIN SMITH, a/k/a Royal Blackness, a/k/a Bar None,

Plaintiff - Appellant,

v.

JON OZMINT; ROBERT E. WARD; JAMES E. SLIGH, JR.; JOHN LUNDEN; DAVID TATARSKI; BERNARD MCKIE; VAUGHN JACKSON; GARY LANE; CHARLES AMAKER; J. PECK; GLENN ALEWINE; WILLIAM LITRELL; NED COOPER; H. BOATMAN; LARRY KONG, of American Amenities, Incorporated, in their official and individual capacity; AMERICAN AMENITIES, INCORPORATED,

Defendants - Appellees,

and

AEDEC INTERNATIONAL, INCORPORATED; JOHN DOE; DENNIS DUNLAP; J. C. BROWN; ROBERT ESPISITO; DENISE CANNARELLA; BRETT, R.N., BRENT A. MILLS; HENRY MCMASTER,

Defendants.

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Appeals from the United States District Court for the District of South Carolina, at Beaufort. Patrick Michael Duffy, District Judge. (9:07-cv-03644-PMD)

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Submitted: November 24, 2009                      Decided: December 14, 2009

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Kevin Smith, Appellant Pro Se. William Henry Davidson, II, Matthew Blaine Rosbrugh, DAVIDSON & LINDEMANN, PA, Columbia, South Carolina; Vinton D. Lide, Michael Stephen Pauley, LIDE & PAULEY, LLC, Lexington, South Carolina; Christopher R. Antley, DEVLIN & PARKINSON, PA, Greenville, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Kevin Smith, a/k/a Bar None Royal Blackness, appeals the district court's orders accepting the recommendations of the magistrate judge and dismissing two Defendants because the Defendants were not state actors and granting summary judgment to the remaining Defendants and dismissing his 42 U.S.C. § 1983 (2006) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Smith v. Ozmint, No. 9:07-cv-03644-PMD (D.S.C. Mar. 12, 2009; July 23, 2009). 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