

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7851**

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JEFFREY DENNARD MCNEAIR,

Plaintiff - Appellant,

v.

OBIE GIBSON; MICHAEL ALLEN; BRANDON BROOKS; REGINA WILLIAMS;  
CRAIG STANCIL; JEFF TILLEY,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. James C. Dever III,  
District Judge. (5:08-ct-03107-D)

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Submitted: March 10, 2010

Decided: May 26, 2010

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Affirmed in part, vacated in part, and remanded by unpublished  
per curiam opinion.

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Jeffrey Dennard McNeair, Appellant Pro Se. Rudolf A. Renfer,  
Jr., Assistant United States Attorney, Michael Bredenberg,  
OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina,  
for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey Dennard McNeair, a federal prisoner, appeals the district court's order denying relief on his civil complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). With regard to McNeair's excessive force claim, we vacate that portion of the district court's order and remand for further consideration in light of Wilkins v. Gaddy, 130 S. Ct. 1175 (2010).<sup>\*</sup> Turning to McNeair's remaining claims, we have reviewed the record and find no reversible error in the district court's rejection of those claims. Accordingly, we affirm the district court's denial of relief on the remaining claims for the reasons stated by the court. McNeair v. Gibson, No. 5:08-ct-03107-D (E.D.N.C. Sept. 21, 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 IN PART,  
VACATED IN PART,  
AND REMANDED

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<sup>\*</sup> We note that the district court did not have the benefit of Wilkins at the time it issued its opinion.