

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6204

LARRY WILLIAMS,

Plaintiff - Appellant,

v.

OFFICER ROBERTSON; WARDEN MCCALL; MAJOR BUSH; CAROLINE LINDSEY, Staff Attorney; LT. WILLIAMS; LT. EARL; CAPT. ABSTEN; CAPT. TICH; DEBRA BARNWELL; MR. JON OZMINT, Director; STEPHEN CLAYTON, Warden,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Margaret B. Seymour, District Judge. (3:08-cv-03867-MBS)

Submitted: November 12, 2010 Decided: December 13, 2010

Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Larry Williams, Appellant Pro Se. James Victor McDade, DOYLE, O'ROURKE, TATE & MCDADE, PA, Anderson, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Williams, a South Carolina inmate, 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. Relying on Riley v. Dorton, 115 F.3d 1159, 1168 (4th Cir. 1997), Norman v. Taylor, 25 F.3d 1259 (4th Cir. 1994), and related cases, the district court granted Defendants' motion for summary judgment, based on the finding that Williams' alleged injuries were too de minimis to establish a claim for excessive force. Following the district court's opinion, however, the Supreme Court issued its decision in Wilkins v. Gaddy, 130 S. Ct. 1175 (2010), which abrogated our decisions in Riley and Norman. Thus, we vacate the district court's opinion and remand for proceedings consistent with the Supreme Court's opinion in Wilkins.* We deny Williams' motions for appointment of counsel as moot 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.

VACATED AND REMANDED

* In so remanding, we find no fault by the district court, which followed extant circuit precedent.