

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6273

DAVID BRIGHTWELL,

Plaintiff - Appellant,

v.

CAPTAIN VINCENT; WILLIAM WILLIAMS, Warden; JOHN DOE,
Doctor; MARYLAND HOUSE OF CORRECTION-JESSUP; CORRECTIONAL
MEDICAL SERVICE, INCORPORATED,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Deborah K. Chasanow, Chief District
Judge. (8:09-cv-00816-DKC)

Submitted: November 18, 2010

Decided: December 13, 2010

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Brightwell, Appellant Pro Se. Rex Schultz Gordon, OFFICE
OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland; Philip
Melton Andrews, Mary Beth Ewen, KRAMON & GRAHAM, PA, Baltimore,
Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Brightwell appeals the district court's order granting summary judgment to the Appellees and denying relief on his 42 U.S.C. § 1983 (2006) complaint. We have reviewed the record and find no reversible error. This court reviews de novo a district court's grant of summary judgment. Howard v. Winter, 446 F.3d 559, 565 (4th Cir. 2006). Summary judgment is appropriate when the "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c).

Insofar as Brightwell claimed he was the victim of excessive force, we affirm on alternate grounds. We conclude Brightwell failed to show there was a genuine issue as to any material fact regarding his claim that Captain Vincent's conduct was an example of excessive conduct and not a good faith effort to maintain and restore discipline. See Hudson v. McMillian, 503 U.S. 1, 5-6 (1992). With regard to Brightwell's claim that medical personnel were deliberately indifferent to his serious medical needs, we affirm for the reasons stated by the district court. See Brightwell v. Captain Vincent, No. 8:09-cv-00816-DKC (D. Md. Feb. 1, 2010). We also deny Brightwell's motion for appointment of counsel. 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