

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-7217**

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DION ORLANDO TAYLOR,

Plaintiff - Appellant,

v.

JOHN OZMINT, Director, official and individual capacity;  
JOHN MITCHELL, or J., Lieutenant, individual capacity;  
BERNARD MCKIE, Warden, official and individual capacity;  
JEROME GIBSON,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Rock Hill. Henry M. Herlong, Jr., Senior  
District Judge. (0:10-cv-00050-HMH)

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Submitted: January 31, 2013

Decided: February 19, 2013

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Before AGEE, DAVIS, and WYNN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Dion Orlando Taylor, Appellant Pro Se. Mary Bass Lohr, William  
T. Young, III, HOWELL, GIBSON & HUGHES, PA, Beaufort, South  
Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dion Orlando Taylor appeals the jury verdict in favor of the defendants on his claims asserting violations of his Eighth Amendment rights under 42 U.S.C. § 1983 (2006). Finding no error, we affirm.

Considering first Taylor's claims of numerous errors in the admission and exclusion of evidence during his trial, we "review a trial court's rulings on the admissibility of evidence for abuse of discretion, and . . . will only overturn an evidentiary ruling that is arbitrary and irrational." United States v. Cole, 631 F.3d 146, 153 (4th Cir. 2011). After careful review of the record, we conclude that Taylor has failed to establish that the district court abused its discretion.

Further, contrary to Taylor's contention, the evidence, viewed in a light most favorable to the prevailing parties below, amply supported the jury's verdict on Taylor's claims of excessive force and deliberate indifference. King v. McMillan, 594 F.3d 301, 312 (4th Cir. 2010). Accordingly, we find no abuse of discretion in the district court's denial of Taylor's motion for a new trial. See Dennis v. Columbia Colleton Med. Ctr., Inc., 290 F.3d 639, 650 (4th Cir. 2001) (denial of a motion for a new trial reviewed for clear abuse of discretion).

Finally, the remainder of the issues Taylor raises on appeal were not asserted in the district court. Therefore, they are not properly preserved for our consideration on appeal. Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).

Accordingly, we affirm the judgment below. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED