

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 12-7846**

---

JOHNATHAN SIMMONS, a/k/a Jonathan Dale Simmons,

Plaintiff - Appellant,

v.

JOHN VICKERS; MICHAEL NAJJAR; WARDEN MCCALL; OFFICER SMITH,  
et al,

Defendants - Appellees.

---

**No. 12-7848**

---

JONATHAN DALE SIMMONS,

Plaintiff - Appellant,

v.

SCDC; JOHN VICKERS; MICHAEL NAJJAR; WARDEN MCCALL; OFFICER  
SMITH,

Defendants - Appellees.

---

Appeals from the United States District Court for the District  
of South Carolina, at Aiken. Terry L. Wooten, District Judge.  
(1:09-cv-00653-TLW; 1:09-cv-00858-TLW)

---

Submitted: December 20, 2012

Decided: December 27, 2012

---

Before KING and DUNCAN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

Jonathan Dale Simmons, 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Unpublished opinions are not binding precedent in this circuit.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:

Jonathan Simmons appeals the district court's order denying as untimely his motion to alter or amend the court's order awarding the Defendants summary judgment on 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. Simmons v. Vickers, No. 1:09-cv-00653-TLW; Simmons v. S.C. Dep't of Corr., No. 1:09-cv-00858-TLW (D.S.C. Oct. 3; Oct. 2 2012). 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