

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1552

MARY E. BEASLEY, Personal Representative for Estate of
Darryl E. Beasley,

Plaintiff - Appellant,

v.

ARRON BROWN; RENEE BROTHERS; ANTHONY ANDERSON; OFFICER
HENDERSON; KENNETH KEPLEY, Captain,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. John A. Gibney, Jr.,
District Judge. (3:12-cv-00006-JAG-MHL)

Submitted: September 24, 2013 Decided: September 26, 2013

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

Affirmed by unpublished per curiam opinion.

David P. Morgan, CRAVENS & NOLL PC, Richmond, Virginia, for
Appellant. William F. Etherington, Leslie A. Winneberger,
BEALE, DAVIDSON, ETHERINGTON & MORRIS, P.C., Richmond, Virginia,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mary E. Beasley ("Beasley") appeals the district court's order granting Defendants' motion for summary judgment in her civil action alleging Defendants used excessive force against her son, Darryl Beasley, in violation of 42 U.S.C. § 1983 (2006), resulting in his death. Beasley further asserted common law state claims of wrongful death and conspiracy. The district court concluded that Beasley failed to produce evidence establishing that Defendants' conduct violated the decedent's constitutional rights and that, even if a violation occurred, Defendants' actions were not so unreasonable as to place them outside the scope of qualified immunity. The district court further denied relief on Beasley's state law claims.

This court reviews de novo a district court's order granting summary judgment. Robinson v. Clipse, 602 F.3d 605, 607 (4th Cir. 2010). Summary judgment shall be granted when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). "At the summary judgment stage, facts must be viewed in the light most favorable to the nonmoving party only if there is a genuine dispute as to those facts." Scott v. Harris, 550 U.S. 372, 380 (2007) (internal quotation marks omitted). A district court should grant summary judgment unless a reasonable jury could return a verdict for the nonmoving party

on the evidence presented. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986). An otherwise properly supported motion for summary judgment will not be defeated by the existence of any factual dispute; “[o]nly disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.” Id. at 248. “Conclusory or speculative allegations do not suffice, nor does a mere scintilla of evidence in support of” the nonmoving party’s case. Thompson v. Potomac Elec. Power Co., 312 F.3d 645, 649 (4th Cir. 2002) (internal quotation marks omitted).

We have reviewed the parties’ briefs and the materials submitted on appeal and conclude that the district court did not err in granting Defendants’ motion for summary judgment. Accordingly, we affirm for the reasons stated by the district court. Beasley v. Brown, No. 3:12-cv-00006-JAG-MHL (E.D. Va. Mar. 27, 2013). 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