

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1371

MICHAEL T. DODSON,

Plaintiff - Appellant,

v.

EVERETT BOOBER, individually and in his capacity as Sheriff of Jefferson County, West Virginia; ROBERT E. SHIRLEY, individually and in his capacity as Sheriff of Jefferson County, West Virginia; PETER H. DOUGHERTY, individually and in his capacity as Sheriff of Jefferson County, West Virginia; JAMES B. CRAWFORD, III, individually and in his capacity as a member of the Deputy Sheriff's Civil Service Commission for Jefferson County, West Virginia; CHRISTOPHER JACKSON, individually and in his capacity as a member of the Deputy Sheriff's Civil Service Commission for Jefferson County, West Virginia; FRANK ROSARIO, individually and in his capacity as a member of the Deputy Sheriff's Civil Service Commission for Jefferson County, West Virginia; PATSY NOLAND, individually and in her capacity as a member of the County Commission of Jefferson County, West Virginia; DALE MANUEL, individually and in his capacity as a member of the County Commission of Jefferson County, West Virginia; WALT PELISH, individually and in his capacity as a member of the County Commission of Jefferson County, West Virginia; FRANCES MORGAN, individually and in her capacity as a member of the County Commission of Jefferson County; JANE TABB, individually and in her capacity as a member of the County Commission of Jefferson County, West Virginia; LYNN WIDMYER, individually and in her capacity as a member of the County Commission of Jefferson County, West Virginia; JOHN GRIFFITH,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:13-cv-00149-JPB)

Submitted: October 29, 2014 Decided: November 3, 2014

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert W. Schulenberg, III, Mark McMillian, MARK MCMILLIAN ATTORNEY AT LAW, L.C., Charleston, West Virginia, for Appellant. Sara E. Hauptfuehrer, STEPTOE & JOHNSON PLLC, Wheeling, West Virginia, Bridget M. Cohee, Amber M. Moore, STEPTOE & JOHNSON PLLC, Martinsburg, West Virginia; James T. Kratovil, KRATOVIL LAW OFFICES, PLLC, Charles Town, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael T. Dodson, a former employee of the Jefferson County Sheriff's Department, appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2012) civil rights complaint. We have reviewed the parties' arguments, the dispositive order, and the compiled joint appendix, and affirm substantially for the reasons stated by the district court. See Dodson v. Boober, No. 3:13-cv-00149-JPB (N.D. W. Va. Mar. 19, 2014).

Dodson contests the district court's conclusion that Defendants satisfied their procedural due process obligation to conduct a pre-termination hearing by holding that hearing more than four years after Dodson's employment was terminated. However, our review of the record leads us to conclude that this duty was fulfilled in July 2008, when Dodson was interviewed by a ranking member of the Sheriff's Department about the allegations of misconduct made against him and provided an opportunity to refute the same. See Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 542-46 (1985); Garraghty v. Jordan, 830 F.2d 1295, 1301-02 (4th Cir. 1987). We agree with the district court that Defendants' purported failure to satisfy the more particularized hearing requirements established under state law, see W. Va. Code Ann. § 7-14C-3 (LexisNexis 2010), or the governing administrative regulations does not rise to the level

of a constitutional due process deprivation. See Goodrich v. Newport News Sch. Bd., 743 F.2d 225, 227 (4th Cir. 1984) ("When the minimal due process requirements of notice and hearing have been met, a claim that an agency's policies or regulations have not been adhered to does not sustain an action for redress of procedural due process violations.").

Because we may affirm "on any grounds apparent from the record[,]" Glynn v. EDO Corp., 710 F.3d 209, 218 n.1 (4th Cir. 2013), and we agree with the district court that Dodson's procedural due process claim fails as a matter of law, we affirm the judgment.* 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

* We have reviewed the other arguments raised in Dodson's appellate brief and find them to be meritless.