

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6002

AKEEM ALIN-NAFIS ABDULLAH-MALIK,

Plaintiff - Appellant,

v.

BRUCE M. BRYANT, et al Sheriff; JAMES F. ARWOOD, et al Jail Administrator; RICHARD L. MARTIN, JR., et al Assistant Jail Administrator; GARY L. DAVIS, et al Security Commander; ALL LISTED AND UNKNOWN AGENTS; BEN HOWLEY, et al Training Lieutenant; CHERYL CUZMAN, et al Administrative Lieutenant; FRAN C. PLEMMONS, Lieutenant; RANDY GUIDERY, Classification/ICE 287g; JOHN C. HICKS, Internal Affairs; TAMMY M. DOVER, RN Medical Services Coordinator; SANDRA STERNAL, Dietitian Trinity Food Services Group Oldsmar, Florida Contracted thru York County Detention Facility; JT STRAIT, Detention Officer Sergeant; MCMILLIAN, Detention Officer Sergeant; HENSON, Detention Officer Sergeant; TUCKER, Detention Officer Sergeant; PENLAND, Detention Officer; ROBINSON, Detention Officer; NORRIS, Detention Officer; YOCHEM, Detention Officer; MCMAHAN, Detention Officer; REYNOLDS, Detention Officer; WENDY PLEMMONS; M A GURDRY; YORK COUNTY SHERIFFS OFFICE; YORK COUNTY DETENTION CENTER; SGT MCMILLIAN,

Defendants - Appellees.

No. 15-6540

AKEEM ALIN-NAFIS ABDULLAH-MALIK,

Plaintiff - Appellant,

v.

BRUCE M. BRYANT, et al Sheriff; JAMES F. ARWOOD, et al Jail Administrator; RICHARD L. MARTIN, JR., et al Assistant Jail Administrator; GARY L. DAVIS, et al Security Commander; ALL LISTED AND UNKNOWN AGENTS; BEN HOWLEY, et al Training Lieutenant; CHERYL CUZMAN, et al Administrative Lieutenant; FRAN C. PLEMMONS, Lieutenant; RANDY GUIDERY, Classification/ICE 287g; JOHN C. HICKS, Internal Affairs; TAMMY M. DOVER, RN Medical Services Coordinator; SANDRA STERNAL, Dietitian Trinity Food Services Group Oldsmar, Florida Contracted thru York County Detention Facility; JT STRAIT, Detention Officer Sergeant; MCMILLIAN, Detention Officer Sergeant; HENSON, Detention Officer Sergeant; TUCKER, Detention Officer Sergeant; PENLAND, Detention Officer; ROBINSON, Detention Officer; NORRIS, Detention Officer; YOCHEM, Detention Officer; MCMAHAN, Detention Officer; REYNOLDS, Detention Officer; WENDY PLEMMONS; M A GURDRY; YORK COUNTY SHERIFFS OFFICE; YORK COUNTY DETENTION CENTER; SGT MCMILLIAN,

Defendants - Appellees.

Appeals from the United States District Court for the District of South Carolina, at Aiken. R. Bryan Harwell, District Judge. (1:14-cv-00109-RBH-SVH; 1:14-cv-00109-RBH)

Submitted: June 30, 2015

Decided: July 29, 2015

Before NIEMEYER, MOTZ, and WYNN, Circuit Judges.

No. 15-6002 affirmed; No. 15-6540 affirmed in part and dismissed in part by unpublished per curiam opinion.

Akeem Alin-Nafis Abdullah-Malik, Appellant Pro Se. Robert David Garfield, Andrew Lindemann, DAVIDSON & LINDEMANN, PA, Columbia, South Carolina; Gregory D. Cote, MCCARTER & ENGLISH, LLP, Boston, Massachusetts; Theodore David Rheney, GALLIVAN, WHITE & BOYD, PA, Greenville, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Akeem Alin-Nafis Abdullah-Malik appeals the district court's order denying his motion for reconsideration and the court's order adopting as modified the magistrate judge's report and recommendation and dismissing Abdullah-Malik's 42 U.S.C. § 1983 (2012) civil rights complaint.

We have reviewed the district court's order denying reconsideration and find no abuse of discretion. See Heyman v. M.L. Mktg. Co., 116 F.3d 91, 94 (4th Cir. 1997) (stating standard of review). Accordingly, we affirm No. 15-6002 on the reasoning of the district court.¹ Abdullah-Malik v. Bryant, No. 1:14-cv-00109-RBH-SVH (D.S.C. Nov. 19, 2014).

In No. 15-6540, because Abdullah-Malik failed to file timely objections to the magistrate judge's report and recommendation, we dismiss in part. Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Insofar as the district court concluded that Abdullah-Malik failed to state a claim

¹ The district court's order denying Abdullah-Malik's motion for reconsideration was an interlocutory order from which no appeal lies. However, Abdullah-Malik's appeal from that order is merged into the final judgment and is open to review on his appeal from that judgment. Hellerstein v. Mr. Steak, Inc., 531 F.2d 470, 474 (10th Cir. 1976) ("The general rule is that an interlocutory order from which no appeal lies is merged into the final judgment and open to review on appeal from that judgment."). Accordingly, we deny as moot the Appellees' motion to dismiss.

against Defendant Sandra Sternal, we affirm for the reasons stated by the court in its March 24, 2015 order. Abdullah-Malik v. Bryant, No. 1:14-cv-00109-RBH-SVH (D.S.C. Mar. 24, 2015). We have considered Abdullah-Malik's remaining arguments and conclude they are without merit.

Accordingly, in No. 15-6002, we affirm and deny the Appellees' motion to dismiss as moot, and in No. 15-6540, we affirm in part and dismiss in part. 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.

No. 15-6002 AFFIRMED
No. 15-6540 AFFIRMED IN PART AND DISMISSED IN PART