

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6365

JAMES DARNELL SCOTT,

Plaintiff - Appellant,

v.

ALBERT PEARSON, Responsible Authority over South Carolina Dept of Corrections Special Investigation Unit; JANNITA GASTON, South Carolina Dept of Correction State Classification; WILLIAM BYARS, South Carolina Department of Corrections Director; WARDEN ANTHONY PADULA; ASSOCIATE WARDEN MARGARET BELL; ASSOCIATE WARDEN JOHN BROOKS; MAJOR JAMES DEAN; MS. REAMES, Institution Classification Chairperson,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Bruce H. Hendricks, District Judge. (0:12-cv-01538-BHH)

Submitted: July 30, 2015

Decided: August 31, 2015

Before KEENAN, WYNN, and DIAZ, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

James Darnell Scott, 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Unpublished opinions are not binding precedent in this circuit.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:

James Darnell Scott appeals the district court's order adopting the report and recommendation of the magistrate judge and granting summary judgment to Defendants in his 42 U.S.C. § 1983 (2012) action. In light of our recent decision in Incumaa v. Stirling, __ F.3d __, 2015 WL 3973822 (4th Cir. July 1, 2015), we vacate the district court's order and remand for further proceedings consistent with Incumaa. 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.

VACATED AND REMANDED