

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6800

DAVID A. GAMBINO,

Plaintiff - Appellant,

v.

FRANK HERSHBERGER, PHD/Chief Psychologist, Federal Correctional Institution Cumberland; SHANE SHEETZ, PSY/D, Federal Correctional Institution Cumberland; Mr. EIRICH, Lieutenant, Federal Correctional Institution Cumberland; BRETT DODD, PSY/D, Federal Correctional Institution Cumberland; LEON BRYAN, PSY/D, Federal Correctional Institution Cumberland; 7 UNKNOWN OFFICERS AND 3 UNKNOWN NURSES; UNITED STATES OF AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Theodore D. Chuang, District Judge. (8:16-cv-03806-TDC)

Submitted: October 30, 2017

Decided: November 2, 2017

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David A. Gambino, Appellant Pro Se. Jane Elizabeth Andersen, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Gambino filed an action in the district court seeking preliminary injunctions to recover and preserve evidence for use in a future lawsuit against prison officials. The district court denied the motions and dismissed the complaint because the Government, once on notice of the potential lawsuit, was already obligated to preserve any existing evidence and provided documentation that it was complying with that obligation. On appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b). Because Gambino's informal brief does not challenge the basis for the district court's disposition, Gambino has forfeited appellate review of the court's order. *See Williams v. Giant Food Inc.*, 370 F.3d 423, 430 n.4 (4th Cir. 2004). In any event, the district court did not abuse its discretion in denying the motions for injunctive relief because Gambino failed to demonstrate that he was likely to suffer irreparable harm in the absence of an injunction. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

Accordingly, we affirm the district court's 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