

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-7130

ADRIN ROME,

Plaintiff - Appellant,

v.

OFFICER CASPER; OFFICER BUD; DR. RHODES,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:17-cv-00509-CMH-MSN)

Submitted: January 11, 2018

Decided: January 25, 2018

Before KING, SHEDD, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Adrin Kentral Rome, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adrin Kentral Rome appeals the district court's order dismissing his amended complaint under 42 U.S.C. § 1915A(b)(1) for failure to state a claim. The district court determined that the amended complaint did not state a cognizable claim under 42 U.S.C. § 1983 for an Eighth Amendment violation in connection with the conditions of Rome's confinement. Upon de novo review of the district court's dismissal decision we conclude that the district court did not reversibly err in dismissing the amended complaint. *See Jehovah v. Clarke*, 798 F.3d 169, 176 (4th Cir. 2015). Rome did not state a plausible claim for an Eighth Amendment violation because he failed to present allegations sufficient to show any named Defendant was deliberately indifferent to his health or safety. *See id.* at 176 ("Dismissal [under § 1915A for failure to state a claim] is proper only if the plaintiff has failed to present factual allegations that state a claim to relief that is plausible on its face." (internal quotation marks omitted)); *Odom v. S.C. Dep't of Corr.*, 349 F.3d 765, 770 (4th Cir. 2003) (addressing elements of claim for Eighth Amendment violation); *see also United States v. Flores-Granados*, 783 F.3d 487, 491 (4th Cir. 2015) (noting this court may affirm on any ground appearing in the record, including theories not relied on or rejected by district court).

Accordingly, we affirm the district court's order. We deny Rome's motion to appoint counsel and 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