

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1480

GLEN EARL CLAIBORNE,

Plaintiff - Appellant,

v.

GREENVILLE SOUTH CAROLINA, CITY OF; GREENLINK,

Defendants - Appellees,

and

ROBERT DOWLING; LOUIS BEASON; DEBORAH GRAVELY; ATHENA
MILLER; RICK BIRDWELL; STEVEN CHASTEN; MARK RICHARDS;
SCOOT MCIVER,

Defendants.

Appeal from the United States District Court for the District of South Carolina, at
Greenville. Timothy M. Cain, District Judge. (6:16-cv-02910-TMC)

Submitted: October 31, 2018

Decided: December 21, 2018

Before MOTZ, HARRIS, and RICHARDSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Glen Earl Claiborne, Appellant Pro Se. Ross B. Plyler, ROE, CASSIDY, COATES & PRICE, PA, Greenville, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In May 2017, the district court dismissed Glen Earl Claiborne's employment discrimination action upon concluding that the parties had reached a settlement agreement. Claiborne then filed motions that the district court interpreted as a Fed. R. Civ. P. 60(b) motion to reopen, and Defendants filed a motion to enforce the settlement agreement. The district court denied Claiborne's motions and granted Defendants' motion to enforce. Claiborne appeals.

We review both the decision to enforce the settlement agreement and the decision to deny Claiborne's Rule 60(b) motion for abuse of discretion. *See Aikens v. Ingram*, 652 F.3d 496, 501 (4th Cir. 2011) (en banc) (Rule 60(b) standard of review); *Hensley v. Alcon Labs., Inc.*, 277 F.3d 535, 541 (4th Cir. 2002) (enforcement of settlement standard of review). A district court abuses its discretion "only where it has acted arbitrarily or irrationally, has failed to consider judicially recognized factors constraining its exercise of discretion, or when it has relied on erroneous factual or legal premises." *United States v. Welsh*, 879 F.3d 530, 536 (4th Cir. 2018) (alterations and internal quotation marks omitted), *petition for cert. filed*, __ U.S.L.W. __ (U.S. Oct. 16, 2018) (No. 18-6374).

We have reviewed the record and conclude that the district court did not abuse its discretion in enforcing the settlement agreement or in denying Claiborne's motions. Accordingly, we affirm the district court's orders. 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