

UNPUBLISHED

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

No. 18-6021

DANIEL KERSTETTER,

Plaintiff - Appellant,

v.

WEXFORD HEALTH SOURCE INC.; DR. PAUL MATERA,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Deborah K. Chasanow, Senior District Judge. (1:17-cv-00604-DKC)

Submitted: August 8, 2018

Decided: August 23, 2018

Before GREGORY, Chief Judge, DIAZ, Circuit Judge, and SHEDD, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Daniel Kerstetter, Appellant Pro Se. Douglas Conrad Meister, Gina Marie Smith,
MEYERS, RODBELL & ROSENBAUM, PA, Riverdale Park, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Kerstetter appeals the district court's order granting summary judgment to Dr. Paul Matera on his 42 U.S.C. § 1983 (2012) complaint.¹ We have reviewed the record and find no reversible error. Accordingly, we grant leave to proceed in forma pauperis and affirm for the reasons stated by the district court.² *Kerstetter v. Wexford Health Source Inc.*, No. 1:17-cv-00604-DKC (D. Md. Dec. 4, 2017). We deny Kerstetter's motions to appoint counsel and to supplement the record with photographic evidence. We also deny as moot Kerstetter's motion for emergency intervention. 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

¹ The district court entered a separate order dismissing Kerstetter's claim against Wexford Health Source Inc., and Kerstetter does not challenge in his informal appellate brief the district court's dismissal of Wexford. *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014).

² To the extent Kerstetter argues on appeal that Dr. Matera violated his Eighth Amendment rights by denying him a follow-up appointment with Dr. Daniel Daniels, failing to adequately care for his wound after a May 2017 surgery, and releasing him to general population after that surgery, we conclude that Kerstetter waived appellate review of these claims by failing to raise them in the district court. *See Pornomo v. United States*, 814 F.3d 681, 686 (4th Cir. 2016).