

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6662

MARCUS ALLEN MCFADDEN,

Plaintiff - Appellant,

v.

CO S. BARTON; CO D. HOFFMAN; CO S. BOGGS,

Defendants - Appellees,

v.

OFFICE OF THE ATTORNEY GENERAL,

Party-in-Interest.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Ellen L. Hollander, District Judge. (1:17-cv-02582-ELH)

Submitted: October 12, 2018

Decided: October 18, 2018

Before DUNCAN and DIAZ, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Marcus Allen McFadden, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marcus Allen McFadden appeals the district court's order granting summary judgment in his 42 U.S.C. § 1983 (2012) action. On appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014). In his brief, McFadden argues only that the district court erred in denying his motion for appointment of counsel. We have reviewed the record and find no abuse of discretion in the district court's decision to deny counsel. *See Miller v. Simmons*, 814 F.2d 962, 966 (4th Cir. 1987) (standard of review); *Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984) (requiring exceptional circumstances to support appointment of counsel in civil cases), *abrogated on other grounds by Mallard v. U.S. Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296 (1989). Accordingly, we affirm the district court's judgment. We deny as moot McFadden's motion to voluntarily dismiss the appeal. 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