

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-7495

ELIHUE MAHLER,

Plaintiff - Appellant,

v.

ABDUL H. JAMALUDEEN, Doctor/M.D,

Defendant - Appellee,

and

CORPORAL COX, Corporal; DEPUTY BAPTISTE, Deputy,

Defendants.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony John Trenga, District Judge. (1:17-cv-01468-AJT-IDD)

Submitted: April 4, 2019

Decided: May 13, 2019

Before WYNN and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Elihue Mahler, Appellant Pro Se. Grace Morse-McNelis, SANDS ANDERSON, PC,
Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elihue Martin Mahler appeals the district court's orders and judgment denying relief on his 42 U.S.C. § 1983 (2012) complaint. We have reviewed the record and hold that Mahler's cause of action against Dr. Jamaludeen did not accrue until the subsequent x-ray evaluations in 2016. As such, Mahler's appeal was not barred by the statute of limitations. However, we nonetheless agree with the district court that he failed to establish the subjective component of his deliberate indifference claim. *See Jackson v. Lightsey*, 775 F.3d 170, 178 (4th Cir. 2014) (providing standard). The undisputed medical records show that Dr. Jamaludeen relied on a radiologist report that found no abnormalities in Mahler's left wrist or forearm. E.R. 165–66. Therefore, Mahler's claim that Dr. Jamaludeen intentionally lied about his arm being broken is entirely unsupported by the evidence. *See Scott v. Harris*, 550 U.S. 372, 380 (2007).

Accordingly, we affirm the district court.* *Mahler v. Jamaludeen*, No. 1:17-cv-01468-AJT-IDD (E.D. Va. filed Dec. 3, 2018 & entered Dec. 4, 2018). We also deny Mahler's pending motion to compel an expert witness. 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

* In his informal brief, Mahler does not challenge the district court's rejection of his excessive force claims, so he has forfeited appellate review of that portion of the district court's judgment. *See* 4th Cir. R. 34(b); *Jackson*, 775 F.3d at 177 (“[O]ur review is limited to issues preserved in [the informal] brief.”).