

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6791

DAVID N. FIREWALKER-FIELDS,

Plaintiff - Appellant,

v.

IVAN GILMORE, Warden 2019 - 2021; K. ROUCH, Interstate Compact Manager;
JESSICA ADAMS; VIRGINIA DEPARTMENT OF CORRECTIONS;
CHAPLAIN JONES; MS. WETHINGTON, ADA Coordinator SISP; UNKNOWN,
Director Offender Management Service; E. BOONE, Counselor/SISP;
CHRISTOPHER GENSINGER; DENNIS STEPHENSON, Counselor/SISP; A.
DAVID ROBINSON, Chief of Corrections; MR. ENGELLRE,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Claude M. Hilton, Senior District Judge. (1:20-cv-01338-CMH-IDD)

Submitted: July 21, 2023

Decided: September 5, 2023

Before GREGORY, RICHARDSON, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Nighthorse Firewalker-Fields, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David N. Firewalker-Fields appeals the district court's orders denying his motion for a preliminary injunction and awarding summary judgment to the defendants on his amended complaint.¹ Having reviewed the record, we are satisfied that the district court did not abuse its discretion in denying Firewalker-Fields' preliminary injunction motion and that the district court properly awarded summary judgment to the defendants on Firewalker-Fields' claim under Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12132, related to the defendants' failure to provide him with a special alarm clock. *See Leaders of a Beautiful Struggle v. Balt. Police Dep't*, 2 F.4th 330, 339 (4th Cir. 2021) (en banc) (stating standard of review for denial of preliminary injunction); *Gordon v. Schilling*, 937 F.3d 348, 356 (4th Cir. 2019) (explaining standard of review for summary judgment award).

We also conclude that Firewalker-Fields has forfeited appellate review of his constitutional and ADA claims related to his inability to participate in visitation and his placement in a maximum-security facility because his informal brief does not challenge the district court's reasons for awarding summary judgment to the defendants on those

¹ By "the defendants," we mean those defendants who survived the district court's screening order and later moved for summary judgment. Those defendants are: the Virginia Department of Corrections, Ivan Gilmore, K. Rouch, Jessica Adams, Ms. Wethington, E. Boone, Christopher Gensinger, and Dennis Stephenson.

claims.² See 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) (“The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief.”).

Finally, we decline to consider Firewalker-Fields’ equal protection claims, which were not alleged in his amended complaint. See *In re Under Seal*, 749 F.3d 276, 285 (4th Cir. 2014) (recognizing that, absent exceptional circumstances, we do not consider claims raised for the first time on appeal).

We therefore affirm the district court’s orders. *Firewalker-Fields v. Gilmore*, No. 1:20-cv-01338-CMH-IDD (E.D. Va. filed June 13, 2022 & entered June 15, 2022 (preliminary injunction order); filed June 23, 2022 & entered June 24, 2022 (summary judgment order)). 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

² Even if Firewalker-Fields had preserved appellate review of his constitutional and ADA claims related to his inability to participate in visitation, we would conclude that the district court did not err in awarding summary judgment to the defendants on those claims.