

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2428

IRENE ANDERSON SMITH, Administratrix of the
Estate of Ricky Lee Smith, deceased,

Plaintiff - Appellant,

versus

WILSON COUNTY; WAYNE V. GAY, in his official
capacity as Sheriff of Wilson County; CHARLES
BRYANT, individually and in his official
capacity as a jailer of the Wilson County
Sheriff's Department; CITY OF WILSON, a mu-
nicipality; WILLIE EARL WILLIAMS, in his offi-
cial capacity as Chief of the Wilson Police
Department; STEPHEN T. STROUD, individually
and in his official capacity as an officer of
the Wilson Police Department; JOEL K. GARNER,
individually and in his official capacity as
an officer of the Wilson Police Department;
JOHN DOES 1 THROUGH 20, deputy sheriffs em-
ployed as jailors in the Wilson City Jail,

Defendants - Appellees.

No. 00-2467

IRENE ANDERSON SMITH, Administratrix of the
Estate of Ricky Lee Smith, deceased,

Plaintiff - Appellant,

versus

WILSON COUNTY; WAYNE V. GAY, in his official capacity as Sheriff of Wilson County; CHARLES BRYANT, individually and in his official capacity as a jailer of the Wilson County Sheriff's Department; CITY OF WILSON, a municipality; WILLIE EARL WILLIAMS, in his official capacity as an officer of the Wilson Police Department; STEPHEN T. STROUD, individually and in his official capacity as Chief of the Wilson Police Department; JOEL K. GARNER, individually and in his official capacity as an officer of the Wilson Police Department; JOHN DOES 1 THROUGH 20, deputy sheriffs employed as jailors in the Wilson City Jail,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-98-842-5-3B0)

Submitted: April 30, 2001

Decided: May 15, 2001

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Irene Anderson Smith, Appellant Pro Se. Robert Harrison Sasser, III, G. Christopher Olson, WOMBLE, CARLYLE, SANDRIDGE & RICE, Raleigh, North Carolina; James Percy Cauley, III, ROSE, RAND, ORCUTT, CAULEY & BLAKE, P.A., Wilson, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated cases, Irene Anderson Smith, administratrix of the estate of Ricky Lee Smith, appeals the district court's order granting summary judgment in favor of the Appellees and denying relief on her claims filed pursuant to 42 U.S.C.A. § 1983 (West Supp. 2000), 42 U.S.C. § 1981 (1994), and various state law claims. We have reviewed the record and the district court's opinion and find no reversible error as to Appellant's claims pursuant to §§ 1981, 1983. Accordingly, we affirm as to those claims on the reasoning of the district court. See Smith v. Wilson County, No. CA-98-842-5 (E.D.N.C. Sept. 27, 2000). Although we express no opinion as to the merit of Plaintiff's state law claims of wrongful death and assault and battery, we modify the district court's order to reflect a dismissal without prejudice of those claims, which may be pursued in state court. 28 U.S.C. § 1367(c)(3) (1994); United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 726-27 (1966); Revene v. Charles County Comm'rs, 882 F.2d 870, 875 (4th Cir. 1989).

We grant Appellees' motion to substitute attorney and deny as moot Appellees' motion to strike document. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED