

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-1603**

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DONALD E. DAVIS, d/b/a Don's Auto Service,

Plaintiff - Appellant,

versus

TOWN OF HOLLY SPRINGS; DON MIZELLE, in his official capacity and individually; RICHARD SELF, in his capacity as Town Manager for the Town of Holly Springs; GERALD HOLLEMAN, in his capacity as Mayor for the Town of Holly Springs, and individually; PETER BINE, in his capacity as Interim Code Enforcement Planner for the Town of Holly Springs, and individually; WALLACE PONDER, Individually; JOHN T. MCLEAN, Individually; DEBRA A. COLLINS, Individually; CYNTHIA GIBBONS, Individually; KEVIN J. ROMANCHOK, Individually; JAMES E. COBB, Individually,

Defendants - Appellees.

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**No. 01-1673**

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DONALD E. DAVIS, d/b/a Don's Auto Service,

Plaintiff - Appellee,

versus

TOWN OF HOLLY SPRINGS; DON MIZELLE, in his official capacity and individually; RICHARD SELF, in his capacity as Town Manager for the Town of Holly Springs; GERALD HOLLEMAN, in his capacity as Mayor for the Town of Holly Springs, and individually; PETER BINE, in his capacity as Interim Code Enforcement Planner for the Town of Holly Springs, and individually; WALLACE PONDER, Individually; JOHN L. MCLEAN, Individually; DEBRA A. COLLINS, Individually; CYNTHIA GIBBONS, Individually; KEVIN J. ROMANCHOK, Individually; JAMES E. COBB, Individually,

Defendants - Appellants.

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Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-00-368-5-BR)

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Submitted: September 25, 2001                      Decided: October 10, 2001

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Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Donald E. Davis, Appellant Pro Se. Daniel Gerald Cahill, THE SANFORD HOLSHOUSER LAW FIRM, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donald E. Davis appeals the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. Defendants cross appeal the denial of their motion for attorney's fees and sanctions. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm the grant of Defendants' motions to dismiss on the reasoning of the district court. See Davis v. Town of Holly Springs, No. CA-00-368-5-BR (E.D.N.C. Apr. 25, 2001). In addition, we find that the district court did not abuse its discretion in denying Defendants' motion for attorney's fees and sanctions. Thus, we affirm that order as well. 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