

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 01-7609**

---

GEORGE C. SMALL, III,

Plaintiff - Appellant,

versus

PORTSMOUTH CITY JAIL, Superintendent; MAJOR  
BULLOCK, Deputy Sheriff; CAPTAIN BANKS,  
Internal Affairs; GARY WATERS, Sheriff; DEPUTY  
TOLBERT; DEPUTY BELL; DEPUTY CONSTANTIDES;  
DEPUTY FLYNN; DEPUTY MONTANGUE; DEPUTY THOMAS;  
DEPUTY PATRICK; DEPUTY CROFT,

Defendants - Appellees.

---

Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Gerald Bruce Lee, District  
Judge. (CA-99-903-AM)

---

Submitted: January 28, 2002

Decided: February 7, 2002

---

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

George C. Small, III, Appellant Pro Se. Samuel Lawrence Dumville,  
Virginia Beach, Virginia, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George C. Small appeals the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. We have reviewed the record and the district court's opinion and find no reversible error.\* Accordingly, we affirm on the reasoning of the district court. Small v. Portsmouth City Jail, No. CA-99-903-AM (E.D. Va. filed Aug. 15, 2001 & entered Aug. 16, 2001). We deny Small's motions for appointment of counsel and for oral argument. 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

---

\* Small complains that the district court erred in assessing his claim under the Eighth Amendment. However, the deliberate indifference standard has been applied to determine a Fourteenth Amendment violation as well. Belcher v. Oliver, 898 F.2d 32, 34 (4th Cir. 1990); see Brown v. Harris, 240 F.3d 383, 388 n.6 (4th Cir. 2001) (noting that Farmer v. Brennan, 511 U.S. 825 (1994), framework has been applied to cases involving pretrial detainees).