

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6186

WILLIE MCKINNON,

Plaintiff - Appellant,

versus

JIM PENDERGRAPH, individually and in his capacity as Sheriff of Mecklenburg County; SERGEANT HUNTER, Individually and in her capacity as a Mecklenburg County Deputy Sheriff; TELISA HUNTER; WAYNE SHIRLEY, Commander, individually and in his capacity as a Mecklenburg County Deputy Sheriff,

Defendants - Appellees,

and

TWO UNKNOWN AND UNNAMED CAPTAINS OF THE MECKLENBURG COUNTY SHERIFF'S OFFICE, individually and in their capacity as Mecklenburg County Deputy Sheriffs; NOT LESS THAN SIX UNKNOWN AND UNNAMED DEPUTIES OF THE MECKLENBURG COUNTY SHERIFF'S OFFICE, Individually and in their capacity as Mecklenburg County Deputy Sheriffs; SERGEANT MCGEE, Individually and in his capacity as a Mecklenburg County Deputy Sheriff; DEPUTY JOHN DOE, #3, individually and in his capacity as a Detention Officer for the Mecklenburg County Sheriff; DEPUTY JOHN DOE, #1, individually and in his capacity as a Detention Officer for the Mecklenburg County Sheriff; DEPUTY JOHN DOE, #2, individually and in his capacity as a Detention Officer for the Mecklenburg County Sheriff; DEPUTY JOHN DOE, #4, individually and

in his capacity as a detention officer for the Mecklenburg County Sheriff; DEPUTY JOHN DOE, #5, individually and in his capacity as a Detention Officer for the Mecklenburg County Sheriff; AT LEAST ONE UNKNOWN AND UNNAMED DEPUTY OF THE MECKLENBURG COUNTY SHERIFF'S OFFICE, individually and in their capacity as Mecklenburg County Deputy Sheriffs,

Defendants.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CA-00-620-3)

Submitted: August 29, 2003

Decided: September 15, 2003

Before WILKINSON, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles R. Brewer, Asheville, North Carolina; Janet C. Thomas, Charlotte, North Carolina, for Appellant. Scott D. MacLatchie, WOMBLE, CARLYLE, SANDRIDGE & RICE, Charlotte, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Willie McKinnon appeals the district court's order granting Appellee Telisa Hunter's motion to dismiss his 42 U.S.C. § 1983 (2000) complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See McKinnon v. Pendergraph, No. CA-00-620-3 (W.D.N.C. Dec. 18, 2002). 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