

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 03-7005

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THOMAS WILLIAM BROWNING,

Plaintiff - Appellant,

versus

STEVE HARPER, Metropolitan Drug Enforcement  
Network Team Police Officer; M.K. CRUICKSHANK,  
Senior Trooper,

Defendants - Appellees,

and

KANAWHA COUNTY SHERIFF'S DEPARTMENT; D.G.  
PAINTER, Resources Officer; WEST VIRGINIA  
STATE POLICE; STATE OF WEST VIRGINIA; ATTORNEY  
GENERAL OF THE STATE OF WEST VIRGINIA; COUNTY  
OF KANAWHA,

Defendants.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Charleston. Charles H. Haden II,  
District Judge. (CA-00-619-2)

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Submitted: December 11, 2003

Decided: December 19, 2003

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Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Thomas William Browning, Appellant Pro Se. Theresa Marlene Kirk, PULLIN, FOWLER & FLANAGAN, P.L.L.C., Charleston, West Virginia; Michael Deering Mullins, STEPTOE & JOHNSON, Charleston, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thomas William Browning appeals the district court judgment and order entering judgment in favor of the defendants. Browning filed a complaint alleging excessive force by two law enforcement officials during an arrest. After a bench trial, the district court dismissed one defendant as a matter of law and the other defendant on the facts. We affirm.

We find the district court did not abuse its discretion denying the motion for production of transcripts at government expense. Insofar as Browning claims his counsel was ineffective, the Sixth Amendment right to effective assistance of counsel does not apply in civil cases. Sanchez v. United States Postal Service, 785 F.2d 1236, 1237 (5th Cir. 1986).

Accordingly, we affirm the district court's judgment. 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