

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-2194**

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TIMOTHY DANIEL HEAD,

Plaintiff - Appellant,

versus

RUTHERFORD COUNTY; JOHN CONDREY, In Respondeat Superior, County Manager; KEITH MELTON, In Respondeat Superior, Clerk of Court; RANDY POOL, Judge, In individual capacity and Judicial capacity; RUTHERFORD COUNTY SHERIFF'S DEPARTMENT; DAN GOOD, Sheriff, In Respondeat Superior & In individual capacity; JOANNE LAVENDER, In individual capacity and In bailiff capacity and In Respondeat Superior; ROY HARRISON, In individually capacity and In bailiff/jailer capacity; JOHN DOE, In individual capacity and In bailiff/jailer capacity,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (CA-04-89-1)

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Submitted: February 25, 2005

Decided: May 3, 2005

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Affirmed in part; vacated and remanded in part by unpublished per curiam opinion.

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Timothy Daniel Head, Appellant Pro Se. Scott Douglas MacLatchie, WOMBLE, CARLYLE, SANDRIDGE & RICE, PLLC, Charlotte, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Timothy Daniel Head appeals the district court's orders denying relief on his 42 U.S.C. § 1983 (2000) complaint and denying his motion for reconsideration. With respect to the merits of the § 1983 claim relating to an incident in a state court, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Head v. Rutherford Co., No. CA-04-89-1 (W.D.N.C. Sept. 14, 2004).

Pursuant to Fed. R. Civ. P. 11, the district court imposed a system of prefiling review on Head. Because the court did not afford Head the notice and opportunity to respond required by the Rule prior to imposing the sanction, we vacate that portion of the district court's order and remand for further proceedings. See Fed. R. Civ. P. 11(c).

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 IN PART; VACATED AND REMANDED IN PART

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\*To the extent that Head also appeals the district court's order denying his motion to file a belated appeal, that portion of the appeal is moot.