

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6574

MICHAEL R. JOHNSON,

Plaintiff - Appellee,

versus

EDDIE L. PEARSON, Chief Warden; JANE DOE
CLINCKSCALES; RUFUS FLEMING, Regional
Director,

Defendants - Appellants,

and

GIVENS, Records Office Manager; HOUSTON
SHIFLETT, Unit Manager; AVON QUIERO; JANE DOE
STEM,

Defendants.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Raymond A. Jackson, District
Judge. (CA-02-219-2)

Submitted: October 29, 2004

Decided: January 28, 2005

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

Affirmed by unpublished per curiam opinion.

Noelle Leigh Shaw-Bell, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA,
Richmond, Virginia, for Appellants. Michael R. Johnson, Appellee
Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants have filed an appeal of the district court's order denying their motion for summary judgment based on qualified immunity in this 42 U.S.C. § 1983 (2000) action. It is well established that a district court's denial of a claim of qualified immunity is an appealable final decision within the meaning of 29 U.S.C. § 1291 (2000), notwithstanding the absence of a final judgment. Renn v. Garrison, 100 F.3d 344, 349 (4th Cir. 1996) (quoting Mitchell v. Forsyth, 472 U.S. 511, 530 (1985)). We review the district court's denial of a defense of qualified immunity de novo. Hodge v. Jones, 31 F.3d 157, 163 (4th Cir. 1994).

We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Johnson v. Pearson, No. CA-02-219-2 (E.D. Va. Mar. 2, 2004). We deny Johnson's motions for sanctions and to dismiss the appeal for failure to prosecute. We express no view as to whether Johnson will ultimately be able to establish the objective and subjective elements of his ETS claim. 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