

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7688

RONALD HICKMAN,

Plaintiff - Appellant,

versus

TRACEY A. JACKSON, Lieutenant; CAROLYN
BURRELL, Sergeant; VIRGIL HAYDON, Captain,
Chief of Inmate Services; EDWARD HULL, Major;
HERBERT L. WRIGHT, Lieutenant,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Henry Coke Morgan, Jr., Senior
District Judge. (CA-03-363-2-HCM-FBS)

Submitted: July 20, 2006

Decided: July 24, 2006

Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

R. Johan Conrod, Jr., KAUFMAN & CANOLES, P.C., Norfolk, Virginia,
for Appellant. Jeff W. Rosen, Lisa Ehrich, PENDER & COWARD,
Virginia Beach, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ronald Hickman appeals from the district court's order adopting the report and recommendation of the magistrate judge and entering judgment in favor of Defendants in Hickman's 42 U.S.C. § 1983 (2000) action. Because neither party moved for a jury trial, the magistrate judge held a hearing on Hickman's claim that his right to privacy was violated when he was seen naked by female correctional officers. The magistrate judge made detailed findings of fact that were adopted by the district court.

On appeal, Hickman challenges the district court's credibility findings, asserting that Defendants' witnesses' testimony was "replete with contradictions and provable falsity." Our review of the record does not support Hickman's characterization. Instead, we find that Hickman's allegations involve either non-material facts or are not supported by the record. In addition, we give great deference to the magistrate judge's credibility determinations, because the magistrate judge heard the actual testimony. See United States v. D'Anjou, 16 F.3d 604, 614 (4th Cir. 1994). Thus, we affirm. 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