

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1521

WALTER JAMES HOVATTER,

Plaintiff - Appellant,

versus

LOGAN C. WIDDOWSON, individually; GEORGE
JACOBS, individually,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Catherine C. Blake, District Judge.
(1:03-cv-02904-CCB)

Submitted: April 25, 2007

Decided: May 24, 2007

Before NIEMEYER, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Martin H. Schreiber II, LAW OFFICE OF MARTIN H. SCHREIBER II, LLC,
Baltimore, Maryland, for Appellant. J. Joseph Curran, Jr., Attorney
General of Maryland, H. Scott Curtis, Assistant Attorney General,
Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Walter James Hovatter appeals the district court's order granting summary judgment to the Appellees in his 42 U.S.C. § 1983 (2000) and Maryland constitutional action. Hovatter argues on appeal that the district court erred in granting summary judgment to the Defendants because he did not have notice and an adequate opportunity to be heard on whether Franks v. Delaware, 438 U.S. 154 (1978), precluded his claims. He also challenges the district court's decision to limit the scope of his claims to May 2 and 3, 1994. Finding no error, we affirm.

This court reviews an award of summary judgment de novo. Higgins v. E. I. DuPont de Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988). Summary judgment is appropriate only if there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986). A district court may grant summary judgment, even sua sponte, so long as the party against whom summary judgment is granted has "an adequate opportunity to demonstrate a genuine issue of material fact." U.S. Dev. Corp. v. Peoples Fed. Sav. & Loan Ass'n, 873 F.2d 731, 735 (4th Cir. 1989).

We have reviewed the briefs, joint appendix, and record on appeal and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Hovatter v. Widdowson,

No. 1:03-cv-02904-CCB (D. Md. filed Mar. 29, 2006 & entered Mar. 30, 2006). 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