UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6114

DONELL J. BLOUNT, SR.,

Plaintiff - Appellant,

versus

J. FLEMING; T. VANOVER; R. SUTHERLAND; H. GREAR; D. MILLS,

Defendants - Appellees,

and

GENE M. JOHNSON, Deputy Director; D.A. BRAXTON, Warden; R.W. FLEMING, Major; LIEUTENANT YOUCE; L. MULLINS; T. EVANS; Y. TAYLOR; R. KEGLEY,

Defendants.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Glen E. Conrad, District Judge. (7:04-cv-00429-gec)

Submitted: July 20, 2007 Decided: August 15, 2007

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Donell J. Blount, Sr., Appellant Pro Se. Mark Ralph Davis, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donell J. Blount, Sr., seeks to appeal the district court's order granting judgment in favor of the Defendants on his excessive force claim brought under 42 U.S.C. § 1983 (2000) and the district court's denial of his motion for reconsideration.* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Blount v. Fleming, No. 7:04-cv-00429-gec (W.D. Va. Jan. 16, 2007). 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

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*Blount appealed from the court's initial order granting judgment in favor of the Defendants on his excessive force claim, but ordering a further evidentiary hearing on his common fare diet claims. Blount's notice of appeal was interlocutory when filed; however, the district court's subsequent entry of a final judgment prior to our consideration of the appeal cures the jurisdictional defect. See In re Bryson, 406 F.3d 284, 287-89 (4th Cir. 2005); Equipment Fin. Group, Inc. v. Traverse Computer Brokers, 973 F.2d 345, 347-48 (4th Cir. 1992). Blount does not appeal the court's disposition of his claims related to his request to receive the common fare diet, based upon his religious needs.