

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6573

JAY TIMOTHY LURZ,

Plaintiff - Appellant,

v.

JON P. GALLEY, Warden; OFC. L. WHITEMAN, CO2; LT. ARNOLD, H.U.#6 Manager; LT. WHITE, H.U.#2 Manager; OFC. P. D. TASKER, CO2; LT. TRUE; OFC. KEARNS, CO2 (H.U.#2); OFC. T. MCDOWELL; OFC. FAULKNER, (CO2 H.U.#2); LT. D. P. RALEY; LT. D. L. WHITE; F. J. NASTRI, Hearing Officer; OFC. J. TICE, CO2; PURNELL, Ofc. CO2; R. M. FRIEND, Lt, H.U.#2 Manager; T. PERRY, Sgt.; SKIDMORE, Ofc, CO2; SHAFFER, Ofc, CO2; SHIMKO, Ofc., CO2; WEAVER, Ofc., CO2; K. MCDOWELL, Ofc., CO2; WILSON, Ofc., CO2; HUFF, Ofc., CO2; SIPES, Ofc., CO2; ROBERTSON, Ofc., CO2; WINEBRENNER, Ofc., CO2; BEEMAN, Ofc., CO2; SIRIUS, Ofc., CO2; MCKENZIE, Sgt.; MIDDLETON, Ofc., CO2; GRAHAM, Ofc.; THOMAS B. PRICE, H.O.; WINTERS, Ms., Case Manager; CASE MANAGEMENT SEG REVIEW TEAM; H. B. MURPHY, Assistant Warden; PUFFENBARGER, Ofc., CO2; FAZENBAKER, Ofc., CO2; AL DAVIS, H.O.; REAMS, Ofc., CO2,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (1:07-cv-00073-AMD)

Submitted: September 30, 2008

Decided: October 9, 2008

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

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Jay Timothy Lurz, Appellant Pro Se. Stephanie Judith Lane-Weber, Assistant Attorney General, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

PER CURIAM:

Jay Timothy Lurz appeals the district court's order granting summary judgment in part to Defendants, dismissing some claims without prejudice to Lurz alleging them in a new action, and denying relief on his 42 U.S.C. § 1983 (2000) complaint. We have reviewed the record and find no reversible error. Accordingly, we dismiss the portion of this appeal challenging dismissal of claims without prejudice, see Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066 (4th Cir. 1993), deny the motion for appointment of counsel, and affirm for the reasons stated by the district court. See Lurz v. Galley, No. 1:07-cv-00073-AMD (D. Md. Mar. 7, 2008). 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.

DISMISSED IN PART;
AFFIRMED IN PART