

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6902**

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FRANKLIN C. SMITH,

Plaintiff - Appellant,

v.

BRADY W. MCWHIRTER, Officer for the Richmond Police  
Department; SECOND OFFICER UNKNOWN, Officer for the Richmond  
Police Department,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Mark S. Davis, District  
Judge. (2:09-cv-00425-MSD-DEM)

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Submitted: February 28, 2011

Decided: March 7, 2011

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Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Franklin C. Smith, Appellant Pro Se. M. Janet Palmer, CITY  
ATTORNEY'S OFFICE, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Franklin C. Smith appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Smith v. McWhirter, No. 2:09-cv-00425-MSD-DEM (E.D. Va. June 16, 2010). 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