

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7581

ROBERT MILLER LATTIMORE,

Plaintiff - Appellant,

v.

MICHAEL A. GARRETT,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (5:12-ct-03146-F)

Submitted: February 25, 2015

Decided: July 23, 2015

Before MOTZ, GREGORY, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert Miller Lattimore, Appellant Pro Se. Joseph Finarelli, Assistant Attorney General, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Miller Lattimore appeals the district court's order denying relief in his 42 U.S.C. § 1983 (2012) action. We have reviewed the record and find no reversible error. Following a bench trial, this court may reverse a district court's factual findings only if they are clearly erroneous. Roanoke Cement Co. v. Falk Corp., 413 F.3d 431, 433 (4th Cir. 2005). "[W]hen a district court's factual finding in a bench trial is based upon assessments of witness credibility, such finding is deserving of the highest degree of appellate deference." Evergreen Int'l, S.A. v. Norfolk Dredging Co., 531 F.3d 302, 308 (4th Cir. 2008) (citation and internal quotation marks omitted). Because the district court's factual findings, made based on its assessment of the credibility of the witnesses, are not clearly erroneous, we affirm those findings and the judgment in favor of the defendant.

Accordingly, we deny Lattimore's motions for appointment of counsel and to review the transcript, and his motion to show the North Carolina Department of Public Safety violated the sexual violence elimination policy. We affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before this court and argument will not aid the decisional process.

AFFIRMED