

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7851

CALVIN HARRIS,

Plaintiff - Appellant,

v.

LT. DOCK COPELAND, a/k/a Lt. John D. Copeland, a/k/a John
Copeland; OFFICER LAURY,

Defendants - Appellees,

and

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendant.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Timothy M. Cain, District Judge.
(2:11-cv-02209-TMC)

Submitted: April 29, 2015

Decided: May 6, 2015

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

Affirmed by unpublished per curiam opinion.

Calvin Harris, Appellant Pro Se. Brandon Paul Jones, Daniel Roy
Settana, Jr., MCKAY, CAUTHEN, SETTANA & STUBLEY, PA, Columbia,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin Harris, a South Carolina state prisoner, appeals from a jury verdict in favor of Appellees on his claim that Appellees subjected him to an excessive use of force and failed to protect him, in violation of the Eighth Amendment. Harris also appeals from the district court's order denying his Fed. R. Civ. P. 59 motion for a new trial, and moves for the preparation of transcripts at government expense and to appoint counsel.

First, we conclude that the district court did not abuse its discretion in denying Harris' motion for a new trial. Minter v. Wells Fargo Bank, N.A., 762 F.3d 339, 346 (4th Cir. 2014). Next, Harris waived appellate review of the district court's grant of summary judgment to Appellees on the state law tort claims by failing to object to the magistrate judge's report and recommendation. United States v. Midgette, 478 F.3d 616, 621 (4th Cir. 2007). Harris' remaining appellate issues fail to establish any reversible error. Finally, we conclude that Harris has not made the showing necessary to justify the preparation of transcripts at government expense under 28 U.S.C. § 753(f) (2012).

Accordingly, we deny Harris' motion for transcripts, deny his motion to appoint counsel, and affirm the district court's judgment and order. We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before this court and argument would not aid the decisional process.

AFFIRMED