

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2982

RICHARD DIRK SELLAND, LTJG,

Plaintiff - Appellant,

versus

WILLIAM J. PERRY, The Honorable Secretary of
Defense; JOHN H. DALTON, Secretary of the
Navy,

Defendants - Appellees.

FAMILY RESEARCH COUNCIL,

Amicus Curiae.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Joseph H. Young, Senior District Judge.
(CA-95-1145-Y)

Submitted: October 18, 1996

Decided: November 7, 1996

Before HALL and LUTTIG, Circuit Judges, and BULLOCK, Chief United
States District Judge for the Middle District of North Carolina,
sitting by designation.

Affirmed by unpublished per curiam opinion.

Antonia B. Ianniello, Benjamin Reid Barnett, STEPTOE & JOHNSON,
Washington, D.C., for Appellant. Frank W. Hunger, Assistant
Attorney General, Helen F. Fahey, United States Attorney, Anthony
J. Steinmeyer, Lowell V. Sturgill, Jr., Appellate Staff, Civil

Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.;
Lcdr. Edward S. White, Office of the Judge Advocate General,
DEPARTMENT OF THE NAVY, Washington, D.C., for Appellees. Melissa
Wells-Petry, FAMILY RESEARCH COUNCIL, Washington, D.C., for Amicus
Curiae.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Lieutenant Richard Dirk Selland appeals an order of the district court upholding his involuntary discharge from the United States Navy on account of his acknowledged homosexuality. He argues that the statute¹ and policy² under which he was discharged are unconstitutional. We have recently held that they are not. Thomasson v. Perry, 80 F.3d 915 (4th Cir.) (en banc), cert. denied, 65 U.S.L.W. 3033 (U.S. Oct. 21, 1996). The judgment of the district court is therefore affirmed. We dispense with oral argument because the dispositive issue has recently been decided authoritatively.³

¹ Section 571 of the National Defense Authorization Act for Fiscal Year 1994, codified at 10 U.S.C. § 654.

² Department of Defense Directive 1332.20 (March 4, 1994).

³ The temporary injunction issued by the district court, which prohibited Selland's discharge pending appeal, is dissolved forthwith.

AFFIRMED