

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7829

PHILIPPE MICHEL LISTON,

Plaintiff - Appellant,

versus

L. M. SAUNDERS; CORRECTIONAL OFFICER IDDINGS;
SERGEANT SANTIAGO,

Defendants - Appellees.

Appeal from the United States District Court for the Western Dis-
trict of Virginia, at Roanoke. Samuel G. Wilson, District Judge.
(CA-94-320-R)

Submitted: April 15, 1996

Decided: April 29, 1996

Before ERVIN and MOTZ, Circuit Judges, and CHAPMAN, Senior Circuit
Judge.

Affirmed as modified by unpublished per curiam opinion.

Philippe Michel Liston, Appellant Pro Se. Susan Campbell Alexander,
Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order granting judgment as a matter of law, pursuant to Fed. R. Civ. P. 50, to two of the three Defendants on his 42 U.S.C. § 1983 (1988) claim. Liston alleged in his complaint that the Defendants' failure to protect him from a violent attack by another inmate constituted cruel and unusual punishment and a denial of due process. We have reviewed the record and the proceedings before the district court and find no reversible error. Finding that the district court intended its order to be final and to dispose of the claim against all three Defendants, we affirm the district court's order as modified to extend to all Defendants named in the Complaint. 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 AS MODIFIED