

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-8573

LITTLE TOM CHILDRESS,

Plaintiff - Appellant,

versus

STEVE GARRETT,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Chief District Judge. (CA-95-366-R)

Submitted: March 21, 1996

Decided: April 16, 1996

Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Little Tom Childress, Appellant Pro Se. Heather Sanderson Lewis, SANDERS, JOHNSON & LEWIS, P.L.C., Lexington, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying relief on his 42 U.S.C. § 1983 (1988) complaint. We have reviewed the record and the district court's opinion and find no reversible error. Appellant failed to allege, and the record fails to contain, facts which support a reasonable inference that Appellant was injured, if at all, in more than a de minimis way. Accordingly, we find that any force used by the Defendant did not violate the Eighth Amendment. See Norman v. Taylor, 25 F.3d 1259, 1262-63 (4th Cir. 1994) (in banc), cert. denied, ___ U.S. ___, 63 U.S.L.W. 3538 (U.S. Jan. 17, 1995) (No. 94-6011). 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