

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2355

CLARK EDWARD JAMES, a/k/a Edward Gibbs,

Plaintiff - Appellant,

versus

THE NATIONAL LIBRARY OF POETRY,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-96-246-AMD)

Submitted: January 28, 1997

Decided: February 18, 1997

Before ERVIN, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Clark Edward James, Appellant Pro Se. Matthew Henry Azrael, AZRAEL, GANN & FRANZ, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edward James Clark appeals the district court granting Defendant's motion for summary judgment. We have reviewed the record and the district court's opinion and find no reversible error. Although the district court failed to provide Clark notice of Defendant's motion for summary judgment motion, and a warning that failure to file opposing affidavits could result in a grant of summary judgment for the moving party, as required under Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975), we find that, under the circumstances, such error was harmless. Accordingly, we affirm the district court's opinion. 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. Defendant's motion to strike Plaintiff's untitled motion, in which he asserts new claims, is granted. We deny Appellant's motion for disclosure of evidence.

AFFIRMED