

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6506

BOBBY RAY WILSON,

Plaintiff - Appellant,

versus

PHYLLIS ELLIOTT; WANDA REGISTER; JOYCE FINE,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-97-98-5-BR)

Submitted: July 28, 1998

Decided: August 24, 1998

Before HAMILTON, LUTTIG, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bobby Ray Wilson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant Bobby Ray Wilson, a North Carolina inmate, appeals the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint under 28 U.S.C.A. § 1915A (West Supp. 1998). We have reviewed the record and the district court's opinion and find no reversible error. Notwithstanding that the district court incorrectly concluded that the American with Disabilities Act ("ADA")¹ did not apply to prisoners in state penal facilities,² we find that Wilson's allegations failed to establish a violation of the ADA. Accordingly, we affirm the district court's order on these grounds. Further, we deny Wilson's motions for appointment of counsel and 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

¹ See 42 U.S.C. §§ 12131-12165 (1994).

² Although the district court's ruling was consistent with the law then in effect in this circuit, see Amos v. Maryland Dep't of Pub. Safety & Correctional Servs., 126 F.3d 589, 600-01 (4th Cir.), cert. granted in part, judgment vacated by, ___ U.S. ___, 66 U.S.L.W. 3474, 66 U.S.L.W. 3793, 66 U.S.L.W. 3798 (U.S. June 22, 1998) (No. 97-1113), the Supreme Court has since held that the ADA "includes State prisons and prisoners within its coverage." Pennsylvania Dep't of Corrections v. Yeskey, ___ U.S. ___, 118 S.Ct. 1952, 1953, 66 U.S.L.W. 4481 (U.S. June 15, 1998) (No. 97-634).