

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6820

RODERICK DENNIS FOLKS,

Plaintiff - Appellant,

versus

WILLIAM D. CATOE, Deputy Commissioner of
Operations, South Carolina Department of Cor-
rections; C. J. CEPAK, Warden, Broad River
Correctional Institution, South Carolina
Department of Corrections,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Henry M. Herlong, Jr., District
Judge. (CA-96-594-2-20AJ)

Submitted: November 6, 1997

Decided: November 25, 1997

Before WIDENER and LUTTIG, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Roderick Dennis Folks, Appellant Pro Se. Andrew Frederick
Lindemann, ELLIS, LAWHORNE, DAVIDSON & SIMS, P.A., Columbia, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint. Appellant claims that he was denied due process when he was placed in maximum security following a prison riot, and that his placement in maximum security constituted cruel and unusual punishment. We find that Appellant failed to establish a liberty interest in remaining in the general population because he did not show that the conditions in maximum security are atypical and significant in relation to the ordinary incidents of prison life. See Sandin v. Conner, 515 U.S. 472, 484-86 (1995); Beverati v. Smith, 120 F.3d 500, 504 (4th Cir. 1997). Accordingly, he was not entitled to a hearing or other process prior to his placement in maximum security. Furthermore, Appellant's second claim fails because the mere fact of segregated confinement, without more, does not amount to cruel and unusual punishment. See Sweet v. South Carolina Dep't of Corrections, 529 F.2d 854, 861 (4th Cir. 1975). 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