

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

ROBERT ALLEN BANE,

Plaintiff-Appellant,

v.

MR. ROBINSON; DOCTOR MAY;
DOCTOR THOMPSON; RON ANGELONE,
Director, Virginia Department of

No. 97-7591

Corrections; E. B. WALKER,
Assistant Warden; MS. EPPERSON,
Head Nurse; E. WHITLEY, Nurse,
LPN; J. H. FIELDS, Regional
Ombudsman; SERGEANT LOVE;
SERGEANT TAYLOR,
Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
James C. Cacheris, Senior District Judge.
(CA-96-243-AM)

Submitted: September 30, 1998

Decided: November 6, 1998

Before WILKINS and HAMILTON, Circuit Judges, and
HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Robert Allen Bane, Appellant Pro Se. Martha Murphey Parrish,
Assistant Attorney General, Richmond, Virginia; Elizabeth Butter-

worth Stutts, MCGUIRE, WOODS, BATTLE & BOOTHE, L.L.P.,
Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Robert Allen Bane appeals from the district court's order dismissing his complaint alleging violations of 42 U.S.C.A. § 1983 (West Supp. 1998), and the Americans with Disabilities Act, 42 U.S.C.A. §§ 12101-12213 (West 1994 & Supp. 1998) (ADA). We have reviewed the record and the district court's opinion and find no reversible error regarding Bane's § 1983 claims. Accordingly, we affirm the dismissal of these claims on the reasoning of the district court. Bane v. Robinson, No. CA-96-243-AM (E.D. Va. Oct. 17, 1997).

Turning to Bane's ADA claim, we note that the district court disposed of this claim under our holding in Amos v. Maryland Department of Public Safety and Correctional Services, 126 F.3d 589 (4th Cir. 1997), stating that the ADA does not apply to prisons. During the pendency of Bane's appeal, the Supreme Court held in Pennsylvania Department of Corrections v. Yeskey, ___ U.S. ___, 66 U.S.L.W. 4481 (U.S. June 15, 1998) (No. 97-634), that Title II of the ADA does apply to state prison and prisoners. Following this announcement, the Court vacated our opinion in Amos. Our review of the record leads us to conclude that, notwithstanding Title II's applicability to state prisons, the district court properly disposed of Bane's ADA claims because his pleadings fail to establish a violation of Title II or any other Title of the ADA. Accordingly, we affirm the district court's holding on this alternative ground.

We also deny Bane's pending motions for a special order of injunction or compulsion as moot. 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