

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2126

JAVANNAH LAURICE TAYLOR, Infant, by Catherine L. Austin, Grandmother and Next Friend; MAURICE ALLEN TAYLOR, Infant, by Catherine L. Austin, Grandmother and Next Friend; CATHERINE L. AUSTIN, Administrator of the Estate of Maurice Taylor, Deceased; CATHERINE L. AUSTIN, Individually,

Plaintiffs - Appellants,

versus

TOWN OF BLACKSBURG, A Virginia Municipal Corporation; J. E. KEENE, Individually, and as a Police Officer and Agent for the Town of Blacksburg; T. D. WIMMER, Individually, and as a Police Officer and Agent for the Town of Blacksburg; MICHAEL MICKEY, Individually, and as a Police Officer and Agent for the Town of Blacksburg,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CA-97-541-R)

Submitted: May 11, 1999

Decided: August 19, 1999

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

Affirmed by unpublished per curiam opinion.

B. K. Cruvey, Shawsville, Virginia, for Appellants. David B. Hart, Peter D. Vieth, WOOTEN & HART, P.C., Roanoke, Virginia; Kathleen A. Dooley, Blacksburg, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants, the estate, grandmother, and children of Maurice Taylor, appeal the district court's order granting summary judgment to Appellee police officers and the Town of Blacksburg in this action arising out of the officers' fatally shooting Taylor while attempting to execute an arrest warrant. Appellants brought a claim of excessive force under 42 U.S.C.A. § 1983 (West Supp. 1998), and pendent state law claims of negligence, gross negligence, recklessness, and assault and battery. The district court found that Appellees were entitled to qualified immunity on the excessive force claim, and granted summary judgment to the Appellees as to the remainder of Appellants' claims. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Taylor v. Town of Blacksburg, No. CA-97-541-R (W.D. Va. July 1, 1998). We grant the Appellees' unopposed motion to submit the case on the briefs 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