

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

BRUCE WAYNE KOENIG,

Plaintiff-Appellant.

v.

JAMES HAGY; CHARLES JENKINS;  
RICHARD ROCHFORD; BARRY STANTON;  
ROBERT GREEN; JAY FRIEND; ELYSTAN  
HAPGOOD; PETER HESS; NORMAN  
RAIOS; STEVEN RAU; JOHN DOE  
WARD; JOHN DOE BOONE; JOHN DOE  
CARROLL; JOHN DOE CRONISE; CHRIS  
FIGGATT; JOHN DOE FORD; DEIDRE  
HALL; ELIZABETH LAUGHTON; DONALD  
MORELEY; JOHN DOE MORRISON; JOHN  
DOE PEARSON; JEROME RANDOLPH;

No. 98-7039

JOHN DOE SACKETT; JOHN DOE SELIN;  
JUDY SINGLE; CHRIS SMITH; ANNA  
THOMAS; JOHN DOE THOMPSON; JOHN  
DOE TORRES; GEORGE YARNELL;  
UNKNOWN STAFF MEMBERS; NANCY  
PEARSON, R.N.; UNKNOWN MEDICAL  
STAFF MEMBERS; EMSA  
CORRECTIONAL CARE; BRUCE GRAY;  
ILONA HOGAN; MARK HOKE; BRUCE  
REEDER; TERRE RHODERICK; BOARD OF  
COUNTY COMMISSIONERS OF FREDERICK  
COUNTY; JORGE GARCIA; CHRIS  
MCLOUGHLIN,  
Defendants-Appellees.

Appeal from the United States District Court  
for the District of Maryland, at Baltimore.  
J. Frederick Motz, Chief District Judge.  
(CA-97-2998-JFM)

Submitted: February 23, 1999

Decided: March 16, 1999

Before HAMILTON and WILLIAMS, Circuit Judges, and  
PHILLIPS, Senior Circuit Judge.

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Affirmed in part and vacated and remanded in part by unpublished  
per curiam opinion.

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#### **COUNSEL**

Bruce Wayne Koenig, Appellant Pro Se. Daniel Karp, Kevin Bock  
Karpinski, ALLEN, JOHNSON, ALEXANDER & KARP, Baltimore,  
Maryland; James Matthew Heffler, Donald Joseph Crawford,  
GODARD, WEST & ADELMAN, P.C., Rockville, Maryland; Joseph  
D. Looney, Rockville, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

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#### **OPINION**

##### **PER CURIAM:**

Bruce Wayne Koenig appeals the district court's order denying  
relief on his 42 U.S.C.A. § 1983 (West Supp. 1998) complaint. We  
have reviewed the record and affirm on the reasoning of the district  
court with respect to all Defendants except Nancy Pearson. See  
Koenig v. Hagy, No. CA-97-2998-JFM (D. Md. July 1, 1998).\* The

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\*Although the district court's order is marked as "filed" on June 30,  
1998, the district court's records show that it was entered on the docket

district court dismissed without prejudice all claims against Pearson because it found that service of process had not been effected on her. Because the record reveals that Pearson was served, we vacate that portion of the district court's order dismissing Koenig's claims against her and remand for further proceedings. On remand, the district court may consider whether Pearson was served within the time frame established by Rule 4(m) of the Federal Rules of Civil Procedure. 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 IN PART, VACATED AND REMANDED IN PART

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sheet on July 1, 1998. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).