

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 99-1461

---

JERRY ODELL ADAMS,

Plaintiff - Appellant,

versus

BENNY MCINTYRE, in his official capacity;  
RAMONA HAGNER, in her official capacity;  
PRESTON CHERKA, Lieutenant, in his official  
capacity; CITY OF SHELBY,

Defendants - Appellees,

and

ROBERTA BORDEN, in her official capacity;  
KEITH WALTERS, in his official capacity; THE  
SHELBY STAR,

Defendants.

---

Appeal from the United States District Court for the Western Dis-  
trict of North Carolina, at Shelby. Lacy H. Thornburg, District  
Judge. (CA-97-210-4-T)

---

Submitted: August 31, 1999

Decided: September 27, 1999

---

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

---

Affirmed by unpublished per curiam opinion.

---

Jerry Odell Adams, Appellant Pro Se. Martha Raymond Thompson,  
STOTT, HOLLOWELL, PALMER & WINDHAM, Gastonia, North Carolina, for  
Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jerry O. Adams appeals the district court's orders dismissing his claims against some of the Defendants and granting the remaining Defendants' motion for summary judgment in his action under 42 U.S.C.A. § 1983 (West Supp. 1999) and state law. We have reviewed the record and the district's opinions and find no reversible error as to its order dismissing Adams' claims against the newspaper Defendants. See Adams v. Borden, No. CA-97-210-4-T (W.D.N.C. Oct. 24, 1997).<sup>\*</sup> As to the order granting summary judgment in favor of the remaining Defendants, we affirm on the reasoning of the district court as to all claims aside from Adams' § 1983 claim alleging a Fourth Amendment violation. See Adams v. McIntyre, No. CA-97-210-4-T (W.D.N.C. Mar. 4, 1999). As to that final claim, we agree with the district court's secondary determination that the Defendants' actions are shielded by qualified immunity and affirm on that basis. 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

---

<sup>\*</sup> Although the order from which Adams appeals was filed on October 20, 1997, it was entered on the district court's docket sheet on October 24, 1997. October 24, 1997, is therefore the effective date of the district court's decision. See Fed. R. Civ. P. 58 and 79(a); see also Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).