

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7847**

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LARRY E. BELTON, SR.,

Plaintiff - Appellant,

versus

JEFF AMOS; MARY HORNSBY; PAUL KEITH; BRIDGET  
ASHFORD; MATTHEW SWANSON; FRANK MCKINNEY;  
DENNIS WEAVER; BONNIE FRANKLIN; FAIRFIELD  
MANOR NURSING HOME; SOUTH CAROLINA DEPARTMENT  
OF SOCIAL SERVICES; COUNTY OF FAIRFIELD; STATE  
OF SOUTH CAROLINA; BETSY WHITE BURTON; UNITED  
STATES OF AMERICA,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Rock Hill. Cameron McGowan Currie, District  
Judge. (CA-03-3547-3)

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Submitted: July 25, 2005

Decided: August 9, 2005

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Before SHEDD and DUNCAN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Larry E. Belton, Sr., Appellant Pro Se. James E. Parham, Jr., Irmo,  
South Carolina; John Douglas Barnett, OFFICE OF THE UNITED STATES  
ATTORNEY, Columbia, South Carolina; Floyd Matlock Elliott,  
Joshua L. Howard, HAYNESWORTH SINKLER BOYD, PA, Greenville, South

Carolina; David Leon Morrison, DAVIDSON, MORRISON & LINDEMANN, PA,  
Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry E. Belton, Sr. seeks to appeal the district court's second amended order and judgment adopting the recommendation of the magistrate judge and dismissing his civil action with prejudice as to two Defendants (the United States and Bonnie Franklin), and dismissing the complaint without prejudice as to the remaining Defendants. Finding no reversible error, we affirm for the reasons stated by the district court. Belton v. Amos, No. CA-03-3547-3 (D.S.C. Nov. 5, 2004; Nov. 12, 2004). See 38 U.S.C. §§ 511(a), 7104, 7252, 7291, 7297 (2000); 28 U.S.C. §§ 1254, 1296 (2000); Fed. R. Civ. P. 17; see generally Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992). We deny Appellee Fairfield Manor Nursing Home's motion to dismiss the appeal; even though the dismissal order was without prejudice as to this party, no amendment could cure the defect in Belton's complaint against Fairfield Manor Nursing Home. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1067 (4th Cir. 1993). Nevertheless, the district court's order is affirmed as to Fairfield Manor Nursing Home. We deny Belton's motions for sanctions and other relief. 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