

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6039

DEMETRIC GRAY PEARSON,

Plaintiff - Appellant,

versus

PATRICIA K. CUSHWA, Chairperson of Parole and
Probation; WILLIAM SONDERVAN,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Richard D. Bennett, District Judge. (CA-
03-1603-RDB)

Submitted: October 18, 2006

Decided: November 6, 2006

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

Affirmed by unpublished per curiam opinion.

Demetric Gray Pearson, Appellant Pro Se. John Joseph Curran, Jr.,
Attorney General, David Phelps Kennedy, OFFICE OF THE ATTORNEY
GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Demetric Pearson appeals the district court's order denying relief on his civil rights complaint. On appeal, Pearson challenges only the denial of relief with respect to his claims under the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213 (2000). We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order on the ground that Pearson failed to state a claim under the ADA.* See Pearson v. Cushwa, No. CA-03-1603-RDB (D. Md. Dec. 20, 2004). 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

*The district court dismissed Pearson's ADA claim based on Eleventh Amendment immunity and did not reach the merits of the claim. However, in Constantine v. Rectors & Visitors of George Mason Univ., 411 F.3d 474 (4th Cir. 2005), this court ruled that Congress effectively and intentionally abrogated the States' Eleventh Amendment immunity from suit under Title II of the ADA. Thus, the Eleventh Amendment did not bar Pearson from bringing suit against Maryland prison officials. Nevertheless, because Pearson did not state a claim under the ADA, summary judgment for the Defendants was proper. We offer no criticism of the district judge, who resolved this issue without the benefit of our decision in Constantine.