

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6293

JELANI HUSANI SIMBA, a/k/a The Jelani Simba,

Plaintiff - Appellant,

versus

DEAN R. WALKER, Superintendent at Marion Correctional Institution, individually and in his official capacity; RICKY L. ANDERSON, Assistant Superintendent for Security and Control at Marion Correctional Institution, individually and in his official capacity; THEODIS BECK, Security at NCDOC, individually and in their official capacity; BOYD BENNETT, Director at NCDOC Division of Prisons, individually and in their official capacity; MICHAEL F. EASLEY, Governor, State of North Carolina, individually and in their official capacity; MICHAEL YORK, Superintendent at Albermarle Correctional Institution, individually and in their official capacity; BENITA WITHERSPOON, a/k/a Bontia Witherspoon, Unit Manager, Falls Unit at Albermarle Correctional Institution, individually and in their official capacity; SHAREAN WILLIAMS, Sergeant, Prison Guard at Albermarle Correctional Institution, individually; RAYMOND SMITH, Superintendent at Randolph Correctional Center, individually and in their official capacity; TAMMY SEARCY-WALL, Programs Supervisor at Randolph Correctional Center, individually and in their official capacity; KENNETH P. LEONARD, Programs Assistant I at Randolph Correctional Center, individually and in their official capacity; CHRISTOPHER BRENNER, Inmate at Randolph Correctional Center; DANIEL EFRID, JR., a/k/a Dan Efird, Sergeant, Prison Guard at Randolph

Correctional Center, individually; WANDA KENDRICK, Staff Nurse, 3rd shift at Randolph Correctional Institution, individually and in their official capacity; LYDIA I. JOHNSON, Staff Nurse, 3rd shift at Randolph Correctional Center, individually and in their official capacity; DENISE JACKSON, Assistant Unit Manager - F Unit at Marion Correctional Institution, individually and in her official capacity; ALAN BUNTING, Prison Guard Sergeant - Disciplinary Investigator at Randolph Correctional Center, individually; BILLY BREWER, a/k/a Sergeant Brewer, Prison Guard, 2nd Shift at Randolph Correctional Center, individually; BRUCE PORTNER, Institutional Physician at Randolph Correctional Center, individually and in his official capacity; WILLIAM DIXON, a/k/a Acting Sergeant Dixon, 2nd Shift at Randolph Correctional Center, individually; MARK SMITH, Prison Guard at Randolph Correctional Center, individually; TERRY HARVEL, a/k/a Terry L. Howard, Assistant Superintendent at Randolph Correctional Center, individually and in her official capacity; ANTHONY BEST, at Franklin Correctional Center, individually; SELMA P. TOWNES, Superintendent at Franklin Correctional Center, individually and in her official capacity; LEON EDMONDS, Assistant Superintendent for Custody and Operations at Franklin Correctional Center, individually and in his official capacity; DONALD S. MOBLEY, Programs Supervisor at Franklin Correctional Center, individually and in his official capacity; JAMES B. FRENCH, Former Director Division of Prisons, NC Department of Corrections, individually and in his official capacity; JACK BAUCOM, Prison Guard at Franklin Correctional Center, individually; MICHAEL L. SNYDER, at Franklin Correctional Center, individually; W. SPRUILL, Prison Guard at Franklin Correctional Center, individually; JOHN MANESS, a/k/a J. Maness, Assistant Superintendent for Programs at Franklin Correctional Center, individually and in his official capacity; ANTHONY A. BERKHAM, Lieutenant Prison Guard at Franklin Correctional Center, individually and in his

official capacity; LARRY WINSTEAD, a/k/a W. Winstead, Captain Prison Guard at Franklin Correctional Center, individually and in his official capacity; JAMES E. MONROE, Lieutenant Prison Guard at Franklin Correction Center, individually and in his official capacity; TIMOTHY MCKOY, Prison Programs Director at Franklin Correctional Center, individually and in his official capacity; RUDOLPH BRITTON, a/k/a R. D. Britton, Captain Prison Guard at Franklin Correctional Center, individually and in his official capacity; DONALD A. COLBERT, a/k/a D. A. Colbert, Sergeant Prison Guard at Franklin Correctional Center, individually; STEVEN TUCKER, Falls Unit at Albermarle Correctional Institution, individually and in his official capacity; TAMIKO MILLER, a/k/a Ms. Miller, Prison Guard 1st Shift at Albermarle Correctional Institution, individually; PATRICIA BASS, a/k/a Patricia Baxx, R.N. - Lead nurse at Pasquotank Correctional Institution, individually and in her official capacity; EHLESHAMUL HAQUE, Institutional Physician at Pasquotank Correctional Institution, individually and in their official capacity; DAVID COTHRON, F-Unit Manager at Marion Correctional Institution, individually and in his official capacity; SIDNEY HARKLEROAD, Assistant Superintendent - Programs at Marion Correctional Institution, individually and in their official capacity; WAYNE SPEARS, Classification Coordinator at Marion Correctional Institution; LARRY DAIL, Assistant Superintendent at Eastern Correctional Institution, individually and in his official capacity; LEWIS SOWERS, Captain Prison Guard - Support Services Manager at Eastern Correctional Institution, individually and in his official capacity; CECIL N. HERRING, Fore Unit - Unit Manager at Eastern Correctional Institution, individually and in their official capacity; BOBBY DELOTCH; MS. RAYNOR, a/k/a Ms. Baynor; MS. LEE; M. A. HARDEE; T. BARBEE; MS. FOUST; JAMES LARRY ADAMS, a/k/a Sergeant Adams; LARRY DARNELL WILLIAMS; MICHAEL L. KNOX; PRISON GUARD SMITH; SANYA MILLER, a/k/a Ms. Miller; TERESA VINES, a/k/a Ms. Vines; MS. TUCKER; FRANCES

WASHINGTON, a/k/a Prison Guard Washington; WILLIAM STALLINGS, a/k/a Prison Guard Stallings; KATIE F. FLANDERS; ALONZA HOLLOWAY, a/k/a A. Holloway; PRISON GUARD ANGE; DANNY MOYE, a/k/a Prison Guard Moye; ERNEST R. SUTTON; MELVIN HORTON; THOMAS W. STRAHAN, a/k/a Thomas Tom Btrahan; WILLIAM BLOWE, a/k/a W. Blowe; RICKY D. JORDAN; WILLIAM H. SHARPE, JR.; CAROLINE RIDDICK, a/k/a Ms. C. Riddick; SEAN DILLARD; GLENN WILLIAMS; CHANSON DE VAUL; SUSAN MATTHEWS, a/k/a Ms. Matthews; DENNIS TIEBEREND, a/k/a Prison Guard Tieberend; CHARLES HASSELL, a/k/a C. Hassell; DAVID EASON, a/k/a Prison Guard Eason; DEBRA NOWELL, a/k/a Ms. D. Nowell; ROMELL OVERTON, a/k/a Ms. R. Overton; WINSTON BANNER, a/k/a Winston Bonner; TONYA COHEN; FARRAH PARKS, a/k/a Ms. Parks; DERRICK BROWN; DAVID O'NEILL, a/k/a D. O'Neill; CYNTHIA MOORE, a/k/a Ms. Moore; RUTH BANKS, a/k/a Ms. Banks; ROBERT BUFFALOE, a/k/a Prison Guard Buffaloe; JOSEPH HARRELL; LEE ANN HAYES; JOSEPH B. HALL; LUCIUS MCRAVIN, a/k/a Lucius McRaven; SELENAMARIE JERNIGAN, a/k/a S. Jernigan; D. NOELL; DENNIS DANIELS, a/k/a D. Daniels; JOSEPH WHITE; CHERYL MOORE, a/k/a Ms. Moore; CARL E. BATTLE; DONNA RIDDICK; HATTIE M. PIMPONG, Chief Disciplinary Hearing Officer at Pasquotank Correctional Institution, individually; ROBERT SMITH, Superintendent at Eastern Correctional Institution, individually and in his official capacity; JOSEPH LIGHTSEY, Institutional Physician at Franklin Correctional Center, individually,

Defendants - Appellees,

and

TOMMY MADDOX, a/k/a Sergeant Maddox; SHANNON CHURCH; BARBARA DAVIDSON LAMB; SHAWN PRESNELL; HOWARD PIERSON; HAROLD ELLINGTON; JAMES BEAM; JOHN FRANK LAIL; PRISON GUARD COLON,

Defendants.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, Senior District Judge. (1:02-cv-00211)

Submitted: June 27, 2007

Decided: July 12, 2007

Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jelani Husani Simba, Appellant Pro Se. Thomas James Pitman, Elizabeth F. Parsons, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina; Scott Christopher Hart, SUMRELL, SUGG, CARMICHAEL, HICKS & HART, PA, New Bern, North Carolina; Dana Hefter Davis, Elizabeth P. McCullough, YOUNG, MOORE & HENDERSON, PA, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jelani Husani Simba appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint alleging constitutional violations due to exposure to environmental tobacco smoke. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court in its comprehensive opinion. See Simba v. Walker, No. 1:02-cv-00211 (W.D.N.C. Feb. 14, 2007). 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