

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6981

ERNEST EDWARD KACKLEY,

Plaintiff - Appellant,

versus

WILLIAM L. SMITH, Warden; SERGEANT SIMPSON,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Chief District Judge. (CA-95-3985-JFM)

Submitted: March 27, 1997

Decided: April 2, 1997

Before RUSSELL, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ernest Edward Kackley, Appellant Pro Se. John Joseph Curran, Jr., Attorney General, Toni-Jean Lisa, 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Unpublished opinions are not binding precedent in this circuit.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:

Ernest Edward Kackley appeals from the district court's order entering summary judgment for Defendants and denying relief on his 42 U.S.C. § 1983 (1994) complaint. We have reviewed the record and the district court's opinion and find no reversible error. Although the district court overlooked Kackley's opposition to the motion for summary judgment, we find this to be harmless error. See Fed. R. Civ. P. 61. Accordingly, we affirm on the reasoning of the district court. Kackley v. Smith, No. CA-95-3985-JFM (D. Md. May 29, 1996). See Sandin v. Conner, ___ U.S. ___, 63 U.S.L.W. 4601 (U.S. June 19, 1995) (No. 93-1911). 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