

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-7790**

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ANDERSON L. TERRY; SHAWN KNOTT; KISHA KNOTT,

Plaintiffs - Appellants,

versus

VANCE COUNTY, NORTH CAROLINA; DONNIE D. BYRD;  
THOMAS BREEDLOVE; CHARLES HAWLEY; MARTY HALL;  
DREW, Doctor; DIANE VARNADORE; LIEUTENANT  
BAINES; LIEUTENANT MORRIS; LIEUTENANT FULLER;  
SERGEANT JEFFERY; SERGEANT GRACE; SERGEANT  
HOWARD; SERGEANT MAYS; SERGEANT HICKS; OFFICER  
KEARNEY; OFFICER TERRY; OFFICER SCOTT; OFFICER  
PERRY; OFFICER FIELD; OFFICER HARRIS; OFFICER  
JAMES; OFFICER HART; OFFICER CRUMP; OFFICER  
DAVIS; OFFICER MITCHELL; OFFICER DIANE,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern Dis-  
trict of North Carolina, at Raleigh. W. Earl Britt, District  
Judge. (CA-96-655-5-CT-BR)

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Submitted: July 22, 1997

Decided: October 28, 1997

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Before HALL and LUTTIG, Circuit Judges, and PHILLIPS, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Anderson L. Terry, Shawn Knott, Kisha Knott, Appellants Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anderson L. Terry and his children, Shawn and Kisha Knott, appeal the district court's order denying relief on their 42 U.S.C. § 1983 (1994) complaint. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. Terry v. Vance County, No. CA-96-655-5-CT-BR (E.D.N.C. Nov. 6, 1996). To the extent that the appellants' claims may not have been malicious within the meaning of 28 U.S.C.A. § 1915(e)(2)(B)(i) (West Supp. 1997), we find them subject to dismissal as frivolous under the same statute. We deny Terry's motion to consolidate this appeal with Terry v. Stewart, No. 96-7567, and his motion to vacate and remand to a different judge. 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