

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6461**

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WILLIE J. OWENS,

Plaintiff - Appellant,

versus

OFFICER GRAHAM; OFFICER ROGERS,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Chief District Judge. (CA-96-1363-4-12JI)

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Submitted: October 31, 1997

Decided: November 26, 1997

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Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Dismissed in part and affirmed in part by unpublished per curiam opinion.

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Willie J. Owens, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant, a South Carolina inmate, appeals the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint under 28 U.S.C. § 1915(d) (1994) (current version at 28 U.S.C.A. § 1915A (West Supp. 1997)). We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation. Accordingly, on the reasoning of the district court, Owens v. Graham, No. CA-96-1363-4-12JI (D.S.C. Feb. 4, 1997), the Fourth Amendment claim (search) is dismissed without prejudice, and the district court's denial of the Eighth Amendment claim is affirmed. 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.

DISMISSED IN PART AND AFFIRMED IN PART