

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6793

ROY HUNT, JR.,

Plaintiff - Appellant,

v.

SANDHIR, M.D., Powhatan Correctional Center; THOMPSON, M.D., Wallens Ridge State Prison; LUCY DOSSETT, M.D., International Radiology Group, LLC; STANFORD, Registered Nurse, Wallens Ridge State Prison; COLLINS, Registered Nurse, Wallens Ridge State Prison; CLARK, Registered Nurse, Wallens Ridge State Prison; BROWN, Correctional Officer Sergeant, Wallens Ridge State Prison; DAVID ROBINSON, Warden, Wallens Ridge State Prison; FRED SCHILLING, Health Service Director; KING, M.D.; A. WARREN,

Defendants - Appellees,

and

JOHN DOE, on 2/23/06, M.D., Powhatan Correctional Center;
A.J. UNKNOWN, on 2/2/06, M.D., Powhatan Correctional Center,

Defendants.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (3:06-cv-00539-RLW)

Submitted: October 28, 2008

Decided: November 18, 2008

Before WILKINSON, TRAXLER, and SHEDD, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Roy Hunt, Jr., Appellant Pro Se. Carlene Booth Johnson, PERRY LAW FIRM, PC, Dillwyn, Virginia; Rodney Seth Dillman, HANCOCK, DANIEL, JOHNSON & NAGLE, PC, Virginia Beach, Virginia; Susan Bland Curwood, Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roy Hunt, Jr., appeals from the district court's order denying his Fed. R. Civ. P. 59(e) motion. We have already decided Hunt's appeal from the underlying order, in which the district court dismissed Hunt's 42 U.S.C. § 1983 (2006) suit. In that case, we affirmed the district court's order as to all Defendants except Dr. Thompson. As to Thompson, we vacated the district court's order and remanded for further proceedings. See Hunt v. Sandhir, No. 08-6457 (4th Cir. Sept. 29, 2008) (unpublished). Hunt's Rule 59(e) motion reargued the claims raised below and made in his first appeal. Thus, for the same reasons outlined in our prior opinion, we affirm the district court's order as to all defendants except Dr. Thompson. With regard to the claim against Thompson, because the cause of action has already been remanded for further consideration, the portion of the appeal contesting the district court's treatment of this claim is moot. Accordingly, we dismiss this part of the appeal. 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 IN PART;
DISMISSED IN PART