

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7358

ERIC JOSEPH DEPAOLA,

Plaintiff – Appellant,

and

DENIS RIVERA; LUIS VELAZQUEZ,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF CORRECTIONS; HAROLD W. CLARKE;
DAVID ROBINSON; G. K. WASHINGTON; RANDALL MATHENA;
GREGORY HOLLOWAY; SCOTT RICHESON; MALCOLM TAYLOR; KEITH
DAWKINS; DR. BRANE; JIM PARKS; HENRY PONTON; EARL
BARKSDALE; GEORGE HINKLE; J. WALRATH; I. HAMILTON; T.
PURYEAR; J. ARTRIP; A. GALLIHAR; G. BAKER; MICHAEL YOUNCE;
WALTER SWINEY; TORI RAIFORD; DWAYNE TURNER; STACY DAY;
CHRISTOPHER GILBERT; JOE FANNIN; TONY ADAMS; G. A. ADAMS; K.
A. SYKES; R. KEGLEY; B. E. STALLARD; JACKSON; ELIZABETH
THORNTON,

Defendants – Appellees,

and

EXTERNAL REVIEW TEAM; DUAL TREATMENT TEAM; UNIT MANAGER
TEAM,

Defendants.

PROFESSORS AND PRACTITIONERS OF PSYCHIATRY, PSYCHOLOGY, AND MEDICINE; MARTIN F. HORN, Correctional Expert; TONI V. BAIR, Correctional Expert; NED BENTON, Correctional Expert; ROBERT BROWN, JR., Correctional Expert; KATHLEEN M. DENNEHY, Correctional Expert; BRIAN FISCHER, Correctional Expert; STEVE MARTIN, Correctional Expert; CHASE RIVELAND, Correctional Expert; ELDON VAIL, Correctional Expert; ROGER WERHOLTZ, Correctional Expert; JEANNE WOODFORD, Correctional Expert,

Amici Supporting Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James P. Jones, District Judge. (7:14-cv-00692-JPJ-RSB)

Argued: October 26, 2017

Decided: November 22, 2017

Before NIEMEYER, KING, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ARGUED: Maxwell J. Hyman, WHITE & CASE, LLP, Washington, D.C., for Appellant. Trevor Stephen Cox, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees. **ON BRIEF:** Daniel Levin, Andrew L. Black, Luca Winer, Alexaida Collet, WHITE & CASE LLP, Washington, D.C., for Appellant. Mark R. Herring, Attorney General of Virginia, Matthew R. McGuire, Assistant Solicitor General, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees. Matthew D. Slater, Alexis L. Collins, Phillip L. Hurst, Gypsy M. Moore, CLEARY GOTTLIEB STEEN & HAMILTON LLP, Washington, D.C., for Amicus Professors and Practitioners of Psychiatry, Psychology, and Medicine. Miles E. Coleman, Nicholas A. Charles, NELSON MULLINS RILEY & SCARBOROUGH, LLP, Columbia, South Carolina, for Amicus Correctional Experts.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric Joseph DePaola, an inmate at Red Onion State Prison in western Virginia, appeals from the district court's judgment in favor of the Virginia Department of Corrections (the "VDOC") and the other defendants-appellees in this 42 U.S.C. § 1983 civil rights action. Proceeding pro se, DePaola alleged violations of his Eighth and Fourteenth Amendment rights related to his past and continuing placement in administrative segregation — solitary confinement — where he has been housed for the last eight years and expects to remain for the balance of his thirty-eight-year sentence. DePaola requested monetary damages and injunctive relief to abolish certain VDOC segregation procedures and to alleviate harsh conditions at Red Onion.

Following discovery, the district court dismissed DePaola's claims against the VDOC as an improper defendant under § 1983. *See DePaola v. Va. Dep't of Corrs.*, No. 7:14-cv-00692, at 31 n.8 (W.D. Va. Sept. 28, 2016), ECF No. 76 (the "Opinion"). Additionally, the court awarded summary judgment to the other defendants on each of DePaola's claims, including the claims at issue in this appeal: a Fourteenth Amendment procedural due process claim and an Eighth Amendment conditions of confinement claim. *Id.* at 31. DePaola timely noted this appeal, and we possess jurisdiction pursuant to 28 U.S.C. § 1291.

DePaola's appointed appellate counsel argues that the district court erred in granting summary judgment without allowing DePaola meaningful discovery, and that, in any event, the existing record reflects genuine issues of material fact as to the Fourteenth Amendment due process claim and the Eighth Amendment conditions of confinement

claim. After carefully assessing the written submissions of the parties and the oral arguments of counsel, we are satisfied to reject DePaola's discovery contention and to adopt the thorough analysis of the district court with respect to the constitutional claims being appealed. We therefore affirm the judgment on the reasoning of the district court, as explained in its carefully crafted Opinion.

AFFIRMED