UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7393

CHRISTOPHER JOHANNE GARRIS, JR.,

Plaintiff - Appellant,

v.

ALFONSO L. GOBER, Sergeant,

Defendant - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:10-cv-00504-CCE-LPA)

Submitted: January 23, 2014 Decided: February 11, 2014

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Christopher Johanne Garris, Jr., Appellant Pro Se. Scott Bartley Goodson, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Christopher Johanne Garris, Jr., a North Carolina state prisoner, filed a 42 U.S.C. § 1983 (2006) complaint against correctional officer Alfonso L. Gober, asserting that Gober used constitutionally excessive force against him in closing the tray door in Garris' prison cell on Garris' finger. Garris appeals the district court's orders denying his motions for entry of default judgment and granting summary judgment in favor of Gober. We affirm.

First, Garris challenges the district court's denial of his motions for default judgment against Gober. The court denied the motion upon concluding that Gober had not been served in accordance with Fed. R. Civ. P. 4(e). "Absent waiver or consent, a failure to obtain proper service on the defendant deprives the court of personal jurisdiction over the defendant." Koehler v. Dodwell, 152 F.3d 304, 306 (4th Cir. 1998). Upon review of the record, we agree with the district court that the initial attempt at serving Gober, which was effected by leaving the summons and complaint with a coworker, did not satisfy the requirements of Rule 4(e). Therefore, the court did not err in denying Garris' motions for default judgment.

Garris next contends that the district court erred in granting Gober summary judgment. We review de novo a district court's summary judgment determination, drawing reasonable

inferences from the evidence viewed in the light most favorable to the nonmoving party. Webster v. U.S. Dep't of Agric., 685 F.3d 411, 421 (4th Cir. 2012). Having done so, we affirm the grant of summary judgment for the reasons stated by the district court. Garris v. Gober, No. 1:10-cv-00504 (M.D.N.C., Aug. 22, 2013).

We therefore affirm the judgment below. We deny Garris' motions for appointment of counsel; we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED