

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7325

DEMETRIUS HILL,

Plaintiff - Appellant,

v.

WARDEN HAYNES; A. W. GILL; WARDEN DRIVER; CAPT. ODDO; LT.
CLEMENS; LT. GIFFORD; LT. TRAIT; C.O. SPOTLAN; FOSTER; C.O.
MORGAN; COUNSELOR MORRERO; ETRIS,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Martinsburg. Gina M. Groh,
District Judge. (3:06-cv-00136-GMG-JSK)

Submitted: January 23, 2015

Decided: February 4, 2015

Before TRAXLER, Chief Judge, and NIEMEYER and GREGORY, Circuit
Judges.

Affirmed by unpublished per curiam opinion.

Demetrius Hill, Appellant Pro Se. Helen Campbell Altmeyer,
Betsy C. Jividen, Assistant United States Attorneys, Wheeling,
West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In December 2006, Demetrius Hill, a federal inmate incarcerated during the relevant period at United States Penitentiary-Hazelton, filed a civil action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), alleging various prison employees violated his First, Fifth, and Eighth Amendment rights by placing him in the Special Housing Unit without an incident report and under conditions that were so unsanitary and deplorable that they threatened his health and well-being. He further asserted that because he made complaints, the staff threatened to kill him and refused him the materials necessary to file administrative remedies. The district court granted Defendants' motion to dismiss or for summary judgment and dismissed Hill's complaint without prejudice for failure to exhaust administrative remedies.

On appeal, we vacated the district court's judgment and remanded for a determination whether the grievance procedure was "available" to Hill within the meaning of 42 U.S.C. § 1997e(a) (2012), namely, whether Defendants hindered Hill's ability to exhaust administrative remedies. Hill v. Haynes, 380 F. App'x 268 (4th Cir. 2010) (No. 08-7244). On remand, the matter was referred to a magistrate judge, who held a three-day evidentiary hearing on this issue. In a detailed and thorough

report, the magistrate judge concluded that prison officials did not hinder Hill's ability to exhaust his administrative remedies. The district court accepted the recommendation and granted Defendants' motion for summary judgment.

We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Hill v. Haynes, No. 3:06-cv-00136-GMG-JSK (N.D. W. Va. Aug. 22, 2014). 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