

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 24-7037

HERBERT L. CLARK, JR.,

Plaintiff - Appellant,

v.

**DR. CHARLES H. SIMPSON, III, DR. JOSEPH SHRAGER; DR. MAX A.
HARRIS, JR.,**

Defendants - Appellees,

and

CORRECTIONAL OFFICER BARNES; DR. CLAIR,

Defendants.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Raleigh. Louise W. Flanagan, District Judge. (5:22-ct-03252-FL)

Submitted: June 18, 2025

Decided: July 31, 2025

Before GREGORY and BENJAMIN, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Herbert L. Clark, Jr., Appellant Pro Se. Carrie Elizabeth Meigs, MICHAEL BEST & FRIEDRICH LLP, Raleigh, North Carolina; Kenneth L. Jones, CARRUTHERS & ROTH, PA, Greensboro, North Carolina; J. Matthew Little, TEAGUE, CAMPBELL, DENNIS & GORHAM, LLP, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Herbert L. Clark, Jr., appeals the district court's order granting summary judgment to Appellees on Clark's 42 U.S.C. § 1983 complaint alleging deliberate indifference to his medical needs. Appellee Max Harris has moved this court to impose sanctions on Clark for filing a frivolous appeal. We have reviewed the record and find no reversible error, but we do not find that Clark's appeal is frivolous. Accordingly, we deny Harris's motion for sanctions and affirm the district court's order. *Clark v. Simpson*, No. 5:22-ct-03252-FL (E.D.N.C., Sept. 27, 2024). 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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

HERBERT L. CLARK, JR.
Plaintiff,

v.

DR. CHARLES H. SIMPSON, III, DR.
JOSEPH SHRAGER, DR. MAX A.
HARRIS, JR., C/O BARNES, DR. CLAIR
Defendants.

Judgment in a Civil Case

Case Number: 5:22-CT-3252-FL

Decision by Court.

This action came before the Honorable Louise Wood Flanagan, United States District Judge, for consideration of the defendants' motions for summary judgment.

IT IS ORDERED AND ADJUDGED that defendants C/O Barnes and Dr. Clair having been previously dismissed, that the remaining defendants' motions for summary judgment are granted and this action is hereby dismissed.

This Judgment Filed and Entered on September 27, 2024, with service on:

Herbert L. Clark, Jr. 0611179
Nash Correctional Institution
P.O. Box 600
Nashville, NC 27856

(U.S. Mail)

Carrie Elizabeth Meigs, Joshua Ryan Hamilton Gray,
Kenneth L. Jones, and J. Matthew Little

(via CM/ECF Notice of Electronic
Filing)

September 27, 2024

Peter A. Moore, Jr.

Clerk of Court

Spa. Hardy



By:

Deputy Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**