

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-2266

RICHARD J. MANIACI,

Appellant

v.

RICHARD NAFF, JOSEPH MASTRANGELO,
and TOWNSHIP OF MOUNT LAUREL

On Appeal from the United States District Court
for the District of New Jersey

District Court Judge: Stephen M. Orlofsky
(D.C. Criminal No. 01-cv-01229)

Submitted Under Third Circuit L.A.R. 34.1(a)
December 12, 2002

Before: FUENTES and STAPLETON, Circuit Judges,
and O'KELLEY, * District Judge.

(Opinion Filed: December 20, 2002)

OPINION OF THE COURT

*Hon. William C. O'Kelley, U.S. District Judge for the Northern District of Georgia, sitting by designation.

FUENTES, Circuit Judge:

Plaintiff Richard Maniaci appeals the District Court's grant of summary judgment to Defendants Richard Naff, Joseph Mastrangelo, and Township of Mount Laurel. We have jurisdiction under 28 U.S.C. § 1291.

The standard of review applicable to an order granting summary judgment is plenary. Curley v. Klem, 298 F.3d 271, 276-77 (3d Cir. 2002). We apply the same test employed by a district court under Federal Rule of Civil Procedure 56(c). See Kelley v. TYK Refractories Co., 860 F.2d 1188, 1192 (3d Cir. 1988). Accordingly, the District Court's grant of summary judgment in favor of the Defendants was proper only if it appears that "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c). In evaluating the evidence, we are required "to view the inferences to be drawn from the underlying facts in the light most favorable to the party opposing the motion." Bartnicki v. Vopper, 200 F.3d 109, 114 (3d Cir. 1999).

We have carefully considered Maniaci's arguments in this appeal and find that they lack merit. For the reasons substantially stated in the District Court's well-reasoned and thorough opinion, we find that summary judgment was properly granted to Defendants. We therefore affirm.

/s/ Julio M. Fuentes

Circuit Judge