

1 UNITED STATES COURT OF APPEALS  
2 FOR THE SECOND CIRCUIT  
3

4 SUMMARY ORDER  
5

6 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL  
7 REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS  
8 OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS  
9 OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A  
10 RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL  
11 OR RES JUDICATA.  
12

13 At a stated term of the United States Court of Appeals for the Second Circuit, held at the  
14 Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the  
15 17th day of September, two thousand and four.  
16

17 PRESENT:

18 HON. JON O. NEWMAN,  
19 HON. GUIDO CALABRESI,  
20 HON. PETER W. HALL,  
21

22 *Circuit Judges,*  
23  
24

25  
26  
27  
28 LARRY V. BROWN,  
29

30 *Plaintiff-Appellant,*  
31

32 v.

No. 03-7722

33  
34 KENNETH B. ARROYO, Shield no. 4634, individually  
35 and as a police officer of the Suffolk County and COUNTY  
36 OF SUFFOLK, New York Police Department,  
37

38 *Defendants-Appellees.*  
39  
40  
41

42  
43 For Plaintiff-Appellant:

LARRY BROWN, Bay Shore, NY (on  
44 submission), *pro se*  
45

1 For Defendants-Appellees:

No Appearance

2  
3 Appeal from the United States District Court for the Eastern District of New York (Spatt,  
4 *J.*).

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7  
8 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND**  
9 **DECREED** that the judgment of the District Court be and it hereby is **AFFIRMED**.  
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11  
12

13 Plaintiff Larry Brown brought this § 1983 action, claiming that he had been subjected to  
14 an illegal search and to malicious prosecution for speeding and driving under the influence of  
15 drugs. The District Court (Spatt, *J.*) tried the case to a jury, which returned a verdict in favor of  
16 the defendants.

17 On appeal, Plaintiff makes various claims. Reading his *pro se* appeal liberally, we  
18 understand him to claim that judgment as a matter of law should have been entered for him, and  
19 that various evidentiary rulings were erroneously made by the trial judge. It is not clear whether  
20 Plaintiff moved for judgment as a matter of law, as is required to preserve a sufficiency of the  
21 evidence claim on appeal. *See, e.g., Gierlinger v. Gleason*, 160 F.3d 858, 869 (2d Cir. 1998).  
22 But, even if we assume that he did, the evidence was sufficient to support the jury's verdict. *See*  
23 *Meriwether v. Coughlin*, 879 F.2d 1037, 1045 (2d Cir. 1989). We have also examined Plaintiff's  
24 claims of error in the District Court's evidentiary rulings and find them meritless.

25 Plaintiff's final claim is that false statements were made by opposing counsel during  
26 summation. Plaintiff's assertions on this point are conclusory and unsupported by any references  
27 to the trial transcript.

28 Having considered all of the Plaintiff's arguments and having found them to be

1 unavailing, we AFFIRM the judgment of the district court.

2 Plaintiff has also moved to vacate the judgment of the District Court. That motion is  
3 DENIED.

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For the Court,

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ROSEANN B. MACKECHNIE,

7

Clerk of the Court

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by: \_\_\_\_\_