

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1227

KELLY J. MCWIRTHER,

Plaintiff - Appellant,

versus

TELECHECK SERVICES, INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CA-99-216-3-MU)

Argued: December 7, 2000

Decided: January 23, 2001

Before WILKINSON, Chief Judge, TRAXLER, Circuit Judge, and James C. CACHERIS, Senior United States District Judge for the Eastern District of Virginia, sitting by designation.

Affirmed by unpublished per curiam opinion.

ARGUED: John W. Taylor, MITCHELL, RALLINGS, & TISSUE, P.L.L.C., Charlotte, North Carolina, for Appellant. William Alfred Blancato, MCCALL, DOUGHTON & BLANCATO, P.L.L.C., Winston-Salem, North Carolina, for Appellee. **ON BRIEF:** David G. Russell, Charles W. Lyons, PARKER, HUDSON, RAINER & DOBBS, Atlanta, Georgia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Plaintiff Kelly McWirther brought a class action suit under the Fair Debt Collection Act and North Carolina Debt Collection laws against TeleCheck Services, Inc. for collecting unlawful charges based on checks that were returned for insufficient funds. The district court granted Telecheck's motion to dismiss for failure to state a claim. We affirm on the reasoning of the district court. See McWirther v. Telecheck Services, Inc., No. 99CV216, Dec. 1, 1999.

AFFIRMED