

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1409

ABDUL AZIZ,

Plaintiff - Appellant,

versus

ORBITAL SCIENCES CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, District Judge. (CA-97-1769-A)

Submitted: July 26, 2001

Decided: July 31, 2001

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Abdul Aziz, Appellant Pro Se. Jeffrey Eden Weinstein, ECKERT, SEAMANS, CHERIN & MELLOTT, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Abdul Aziz appeals the district court's denial of a post judgment motion filed pursuant to Fed. R. Civ. P. 60(b). The district court originally dismissed the action as untimely filed, and this court affirmed. Aziz v. Orbital Sciences Corp., No. 98-1281, 1998 WL 736469 (4th Cir. Oct. 19, 1998) (unpublished).

We review denial of a Rule 60(b) motion for abuse of discretion. Eberhardt v. Integrated Design & Constr., Inc., 167 F.3d 861, 869 (4th Cir. 1999). Having reviewed the district court's order denying the motion, we conclude that the court did not abuse its discretion in denying the requested relief. Therefore, we deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED