

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1939

MICHAEL H. HOLLAND; A. FRANK DUNHAM; MARTY D.
HUDSON; ELLIOT A. SEGAL, as Trustee of the
United Mine Workers of America 1992 Benefit
Plan,

Plaintiffs - Appellees,

versus

LAKE ENERGY, INCORPORATED, a corporation;
THUNDER MOUNTAIN ENERGY, INCORPORATED, a
corporation,

Defendants,

and

CAREY CLINE,

Intervenor - Appellant.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. Elizabeth V. Hallanan,
Senior District Judge. (CA-98-467-2)

Submitted: February 26, 2002

Decided: March 11, 2002

Before WILKINSON, Chief Judge, and WIDENER and WILLIAMS, Circuit
Judges.

Affirmed by unpublished per curiam opinion.

Mychal S. Schulz, SCHUMACHER, FRANCIS & NELSON, Charleston, West Virginia, for Appellant. David W. Allen, Larry D. Newsome, Jonathan Sokolow, Christopher F. Clarke, UNITED MINE WORKERS OF AMERICA HEALTH AND RETIREMENT FUNDS, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carey Cline appeals from the district court's order denying his Fed. R. Civ. P. 60(b) motion for relief from the court's judgment order directing the West Virginia Commissioner of Labor to draw on a wage bond to satisfy an unpaid judgment. We have previously granted the motion to submit this case for a decision on the briefs without oral argument. We now affirm.

Cline asserts that the district court abused its discretion in denying his Rule 60(b) motion and that the court did not have the authority to issue a suggestion order directing the Commissioner of Labor to draw on the wage bond. We have reviewed the materials in the Joint Appendix and the arguments presented in the parties' briefs and find no abuse of discretion and no reversible error. See Heyman v. M.L. Mktg. Co., 116 F.3d 91, 94 (4th Cir. 1997). Accordingly, we affirm on the reasoning of the district court. See Holland v. Lake Energy, Inc., No. CA-98-467-2 (S.D.W. Va. June 18, 2001).

AFFIRMED