

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1395

CYRUS KHABIRI,

Plaintiff - Appellant,

versus

G. KENNEDY THOMPSON; NORTHERN NECK CHEVROLET-
PONTIAC; KENN THOMPSON; WACHOVIA; FIRST UNION
CORPORATION,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. James R. Spencer, District
Judge. (CA-01-660-3)

Submitted: August 26, 2002

Decided: September 23, 2002

Before NIEMEYER, LUTTIG, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Cyrus Khabiri, Appellant Pro Se. Paul Wilbur Jacobs, II, Rowland
Braxton Hill, IV, CHRISTIAN & BARTON, Richmond, Virginia; Gary
Robert Reinhardt, Wayne Barry Montgomery, KALBAUGH, PFUND &
MESSERSMITH, P.C., Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cyrus Khabiri appeals from the district court's order dismissing his civil tort action for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). We have reviewed the district court's opinion and find no reversible error.* Accordingly, we affirm on the reasoning of the district court. See Khabiri v. Thompson, No. CA-01-660-3 (E.D. Va. Feb. 19, 2002). We deny Khabiri's motion for 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.

AFFIRMED

* On appeal, Khabiri asserts for the first time that one or more of the defendants committed odometer fraud. While federal courts possess jurisdiction to entertain such claims, see 49 U.S.C. § 32710 (1994), Khabiri may not litigate on appeal a claim he failed to raise in the district court. Accordingly, we decline to consider Khabiri's assertion of odometer fraud.