

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-1407**

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CHARLES W. EZELL,

Plaintiff - Appellant,

versus

DAN RIVER, INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Danville. Jackson L. Kiser, Senior District Judge. (CA-01-53-4)

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Submitted: November 21, 2002

Decided: November 27, 2002

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Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Charles W. Ezell, Appellant Pro Se. James Phillip Naughton, Sara Lynne Berg, HUNTON & WILLIAMS, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles W. Ezell appeals the district court's order granting summary judgment in favor of his former employer in this action under the Americans with Disabilities Act. We have reviewed the record and agree with the district court that Ezell failed to file a timely charge of discrimination with the Equal Employment Opportunity Commission and that the facts did not warrant application of the doctrine of equitable tolling or equitable estoppel. Accordingly, we affirm on the reasoning of the district court. See Ezell v. Dan River, Inc., No. CA-01-53-4 (W.D. Va. Apr. 3, 2002). 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.

AFFIRMED