

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-2321

CHARLES WILSON LEASE, JR.,

Plaintiff - Appellant,

versus

SEARS HOME IMPROVEMENT PRODUCTS, INCORPORATED,

Defendant - Appellee,

and

SEARS HOME IMPROVEMENT; RAYMOND POELLOT,
District Sales Manager; CHUCK KLINZING, Human
Resources,

Defendants.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Benson Everett Legg, Chief District Judge.
(CA-00-2872)

Submitted: October 29, 2003

Decided: December 17, 2003

Before WILLIAMS and TRAXLER, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Anne J. A. Gbenjo, LAW OFFICE OF ANNE GBENJO, Largo, Maryland, for Appellant. James M. Mesnard, SEYFARTH SHAW, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Wilson Lease, Jr., appeals from the district court's orders denying Lease's motion to amend complaint, granting summary judgment in favor of Sears Home Improvement Products, Inc. ("Sears"), and denying Lease's motion to alter or amend judgment.*

We have carefully reviewed the briefs and the record and we find no reversible error. Accordingly, we affirm the district court's orders denying Lease's motion to amend his complaint, granting Sears' summary judgment motion, and denying Lease's motion to alter or amend the judgment. 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

* Sears asserts that neither the denial of the motion to amend nor the district court's grant of summary judgment against Lease's claims are properly before this court for review. Because Lease filed his motion to alter or amend within ten days of the district court's order granting summary judgment in favor of Sears, the motion tolls the running of the appeal period on the district court's underlying orders, and Lease's timely appeal of the order denying the motion for reconsideration automatically brings both that order and underlying order before this court. See Fed. R. App. P. 4(a)(4)(A); Dove v. CODESCO, 569 F.2d 807, 809 (4th Cir. 1978).