

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1886

CHANDER KANT; ASHIMA K. KANT,

Plaintiffs - Appellants,

versus

BREGMAN, BERBERT & SCHWARTZ, L.L.C.,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. William M. Nickerson, Senior District Judge. (CA-02-2371-WMN)

Submitted: December 17, 2003

Decided: January 9, 2004

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Chander Kant and Ashima K. Kant, Appellants Pro Se. Douglas Morton Bregman, BREGMAN, BERBERT & SCHWARTZ, Bethesda, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Chander and Ashima Kant appeal the district court's order dismissing their civil rights complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). We review a district court's dismissal for failure to state a claim de novo. Duckworth v. State Admin. Bd. of Election Laws, 332 F.3d 769, 772 (4th Cir. 2003). We must accept as true the facts alleged in the complaint, view them in the light most favorable to the plaintiff, and recognize that dismissal is inappropriate unless it appears beyond certainty that the plaintiff would be entitled to no relief under any state of facts that could be proved in support of the claim. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). Liberally construing the Kants' complaint in compliance with Haines v. Kerner, 404 U.S. 519, 520-21 (1972), we find that they assert conclusory allegations, unsupported by any averment of facts. Thus, we find that the district court did not err by dismissing the Kants' complaint for failure to state a claim pursuant to Rule 12(b)(6). Accordingly, we affirm the district court's order. 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