

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6259

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NATHANIEL F. DOWNING,

Claimant - Appellant,

and

\$1,810.00 U.S. CURRENCY,

Defendant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-01-1901-AMD)

Submitted: June 10, 2003

Decided: June 23, 2003

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

Affirmed by unpublished per curiam opinion.

Nathaniel F. Downing, Appellant Pro Se. Thomas Michael DiBiagio, United States Attorney, Andrew George Warrens Norman, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Nathaniel F. Downing appeals from the district court's order entering a default judgment against him in this civil forfeiture proceeding. Although given several opportunities to respond to the government's requests for discovery, Downing failed to comply. The district court may dismiss an action if a party fails to timely answer or object to discovery requests. See Fed. R. Civ. P. 37(d). The dismissal of an action as a sanction for discovery violations is reviewed for abuse of discretion. See Nat'l Hockey League v. Metro. Hockey Club, 427 U.S. 639, 642 (1976). Applying the four-part test provided in Mutual Fed. Sav. & Loan Ass'n v. Richards & Assoc., 872 F.2d 88, 92 (4th Cir. 1989), we find no abuse of discretion. Accordingly, we deny Downing's motion for judgment and affirm for the reasons stated by the district court. See United States v. Downing, No. CA-01-1901-AMD (D. Md. Nov. 20, 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