

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 04-1253**

---

METRO MACHINE CORPORATION,

Plaintiff - Appellant,

versus

SMALL BUSINESS ADMINISTRATION; MICHAEL P.  
MCHALE, In his official capacity as Associate  
Administrator of HUBZone Program,

Defendants - Appellees.

---

Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Rebecca Beach Smith, District  
Judge. (CA-03-838)

---

Submitted: June 23, 2004

Decided: July 14, 2004

---

Before MOTZ, KING, and GREGORY, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Thomas G. Johnson, Jr., Gary A. Bryant, WILLCOX & SAVAGE, Norfolk,  
Virginia, for Appellant. Beverley E. Hazlewood, OFFICE OF GENERAL  
COUNSEL, Washington, D.C.; Paul J. McNulty, United States Attorney,  
Michael A. Rhine, Assistant United States Attorney, Norfolk,  
Virginia, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Metro Machine Corporation ("Metro") appeals the district court's order granting the Small Business Administration's ("SBA") motion for summary judgment and denying Metro's motion for summary judgment on Metro's complaint that challenged the SBA's decertification of Metro under the Historically Underutilized Business Zone program. Metro has moved for expedited consideration of this appeal and waived oral argument. We grant Metro's motion to expedite and affirm the judgment of the district court.

We review the grant of summary judgment de novo. See Higgins v. E.I. DuPont de Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988). Summary judgment is proper when there are no material facts in dispute and the moving party is entitled to judgment as a matter of law. See Fed. R. Civ. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). The parties agreed before the district court and on appeal that there are no material facts in dispute. We have considered the thorough opinion of the district court, the briefs of the parties, and the record. Our review leaves us convinced that the district court correctly analyzed the cross motions for summary judgment and concluded that the SBA's actions were neither arbitrary, capricious, or otherwise contrary to law. Accordingly, we affirm on the reasoning of the district court. See Metro Mach. Corp. v. Small Bus. Admin., 305 F. Supp.2d 614 (E.D. Va. 2004).

AFFIRMED