

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1993

RAFAEL I. PINKHASOV PINCHAS,

Plaintiff - Appellant,

versus

JERALD M. JORDAN; DONALDA K. AMMONS; JOHN M.
LOVETT,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. William M. Nickerson, Senior District
Judge. (CA-03-2690-WMN)

Submitted: December 23, 2004

Decided: January 24, 2005

Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Rafael I. Pinkhasov Pinchas, Appellant Pro Se. Kelby Brick, BRICK
LAW OFFICE, Greenbelt, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Rafael I. Pinkhasov Pinchas appeals the district court's order granting the motion to dismiss filed by Jerald M. Jordan, Donalda K. Ammons, and John M. Lovett in Pinchas' civil diversity action alleging defamation. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Pinchas v. Jordan, No. CA-03-2690-WMN (D. Md. Aug. 3, 2004).

To the extent that the district court failed to address the allegedly defamatory statements set forth in paragraphs twenty through twenty-six of Pinchas' complaint, we find any error to be harmless. The statements in paragraphs twenty and twenty-six are barred by the doctrine of res judicata. See Pueschel v. United States, 369 F.3d 345, 354-55 (4th Cir. 2004) (discussing doctrine); Andrews v. Daw, 201 F.3d 521, 524 n.1 (4th Cir. 2000) (recognizing applicability of doctrine in motion to dismiss under certain circumstances). In addition, the statements in paragraphs twenty-one through twenty-five fail to state a claim of defamation as a matter of law. See T.G. Slater & Son, Inc. v. Donald P. & Patricia A. Brennan LLC, 385 F.3d 836, 841 (4th Cir. 2004) (providing standard for motion filed under Fed. R. Civ. P. 12(b)); Murray v. United Food & Commercial Workers Int'l Union, 289 F.3d 297, 305 (4th Cir. 2002) (discussing elements of prima facie case of defamation under Maryland law).

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