

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1617

THOMAS M. UBL,

Plaintiff - Appellant,

versus

SAVIN CORPORATION; UNITED STATES OF AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:97-mc-00117-JCC)

Submitted: December 22, 2006

Decided: January 22, 2007

Before TRAXLER, SHEDD, and DUNCAN, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Victor Kubli, Alan M. Grayson, Mary E. Harkins, GRAYSON & KUBLI, P.C., McLean, Virginia, for Appellant. Peter D. Keisler, Assistant Attorney General, Chuck Rosenberg, United States Attorney, Douglas N. Letter, Charles W. Scarborough, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas M. Ubl seeks to appeal the district court's order denying his Fed. R. Civ. P. 60(b)(6) motion. We have reviewed the parties' briefs and the joint appendix and find no reversible error. Because we find Ubl's Rule 60(b)(6) motion, brought nearly eight years after the order he seeks to be reopened was issued, was untimely, we affirm the district court's order on those grounds. Because we affirm the district court's order on modified grounds, we decline to address whether the audit conducted by the Government constitutes an "alternate remedy" for purposes of the Civil False Claims Act, 31 U.S.C. § 3730(c)(5) (2000). See United States v. Smith, 395 F.3d 516, 518-19 (4th Cir. 2005) ("We are not limited to evaluation of the grounds offered by the district court to support its decision, but may affirm on any grounds apparent from the record."). 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 AS MODIFIED