

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-1157**

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S & K TRADING & CONSULTING, INCORPORATED,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA; UNITED STATES  
DEPARTMENT OF AGRICULTURE,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Andre M. Davis, District Judge.  
(1:06-cv-01316-AMD)

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Submitted: July 31, 2007

Decided: November 21, 2007

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Before MICHAEL, MOTZ, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Thomas S. Hood, HOOD & SCHOLNICK, P.A., Towson, Maryland, for  
Appellant. Rod J. Rosenstein, United States Attorney, Neil R.  
White, Assistant United States Attorney, Baltimore, Maryland, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

S & K Trading & Consulting, Inc. ("S & K") appeals the district court's order granting Defendants' motion to dismiss its claim brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680 (2000) ("FTCA"). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See S & K Trading & Consulting, Inc. v. United States, No. 1:06-cv-01316-AMD (D. Md. Feb. 6, 2007). Even if S & K's claim was not barred by the FTCA's misrepresentation exception, its claim would nonetheless fail since S & K is unable to establish that Defendants owed to it an actionable duty under the FTCA. See 28 U.S.C. § 2674 (2000) (providing that the Government shall be liable "in the same manner and to the same extent as a private individual under like circumstances"); see also United States v. Smith, 395 F.3d 516, 519 (4th Cir. 2005) (holding that this court "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