

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1510

LYNN HOWARD,

Plaintiff - Appellant,

v.

UNITED STATES ARMY, c/o Secretary of the Army,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:06-cv-00783-GBL)

Submitted: October 30, 2008

Decided: January 20, 2009

Before KING, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Douglas Steinberg, Alexandria, Virginia; George R. Royer, Toledo, Ohio, for Appellant. Chuck Rosenberg, United States Attorney, Monika L. Moore, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lynn Howard appeals from the district court's order granting the United States Army's motion to dismiss his Title VII, of the Civil Rights Act of 1964, as amended, and Age Discrimination in Employment Act ("ADEA") claims and dismissing his complaint in its entirety without leave to amend to add state law tort claims and claims under the Equal Pay Act. On appeal, Howard argues that the district court erred in part because it dismissed his action based on failure to file his Title VII and ADEA claims within the ninety-day statutory deadline. He also alleges that the court erred in dismissing his action without permitting him to amend his complaint to add Equal Pay Act and state law tort claims. Finding no error, we affirm.

We conduct a de novo review of the dismissal of a complaint pursuant to Fed. R. Civ. P. 12(b)(1), (6). Etape v. Chertoff, 497 F.3d 379, 382 (4th Cir. 2007). We may affirm a district court's judgment on any ground supported by the record. Suter v. United States, 441 F.3d 306, 310 (4th Cir. 2006). After reviewing the record, the parties' briefs, the joint appendix and supplemental joint appendix, we affirm the district court's judgment for the reasons stated by the district court. See Howard v. US Army, No. 1:06-cv-00783-GBL (E.D. Va. Apr. 27, 2007).

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