

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1046**

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BENJAMIN F. RUSSELL, By Joseph Michael Russell as his next  
friend,

Plaintiff - Appellant,

v.

MICHAEL GENNARI, Ph.D.; ANTHEM HEALTH PLANS OF AMERICA,  
INCORPORATED,

Defendants - Appellees,

and

EVONNE FEI; DIXIE SHIELDS,

Defendants.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Gerald Bruce Lee, District  
Judge. (1:07-cv-00793-GBL-BRP)

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Submitted: June 18, 2008

Decided: July 15, 2008

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Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Joseph Michael Russell, Appellant Pro Se. Michael E. Olszewski,  
Armand B. Alacbay, HANCOCK, DANIEL, JOHNSON & NAGLE, PC, Fairfax,

Virginia; Anthony F. Shelley, Adam P. Feinberg, Jeffrey Hahn,  
MILLER & CHEVALIER, CHARTERED, Washington, D.C., for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Michael Russell, on behalf of his son, Benjamin F. Russell, appeals the district court's order dismissing this action alleging negligence and breach of fiduciary duty. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Russell v. Gennari, No. 1:07-cv-00793-GBL-BRP (E.D. Va. Nov. 8, 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