

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1752**

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MONIQUE WILLIAMS,

Plaintiff - Appellant,

v.

HOUSING AUTHORITY OF THE CITY OF RALEIGH, NORTH CAROLINA,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:05-cv-00219-D)

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Submitted: February 2, 2009

Decided: February 10, 2009

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Before SHEDD and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Mark R. Sigmon, GRAEBE, HANNA & WELBORN, PLLC, Raleigh, North Carolina, for Appellant. Charles T. Francis, Matthew L. Boyatt, THE FRANCIS LAW FIRM, PLLC, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Monique Williams appeals the district court's order and judgment finding for the Housing Authority of the City of Raleigh in its decision after a hearing to terminate Williams' Section 8 housing benefits. Williams claims she was denied due process because the Hearing Officer considered evidence in her tenant file and evidence outside the record. She also claims she was denied due process because she was not able to cross-examine her landlord because he did not appear. We affirm.

We review the district court's legal conclusions de novo and its factual findings for clear error. Virginia Vermiculite Ltd. v. Historic Green Springs, 307 F.3d 277, 284 (4th Cir. 2002). We find the Hearing Officer's consideration of evidence contained in the tenant file and evidence outside the record to be harmless. The decision to terminate Williams' Section 8 benefits was supported by the evidence in the decision letter.

Furthermore, we find Williams was not denied due process because she did not cross-examine her landlord. Williams, when given the opportunity, failed to request a continuance for the purpose of examining her landlord. Accordingly, she waived her due process right to cross-examination.

Accordingly, we affirm the district court's order and judgment. 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