

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2349

TORINA A. COLLIS,

Plaintiff - Appellant,

v.

BANK OF AMERICA, NATIONAL ASSOCIATION,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:06-cv-02451-PJM)

Submitted: March 23, 2011

Decided: March 31, 2011

Before GREGORY, DUNCAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Torina A. Collis, Appellant Pro Se. Elena D. Marcuss,
MCGUIREWOODS, LLP, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Torina A. Collis appeals from the district court's final judgment following her unsuccessful trial in which she alleged employment discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended. She raises numerous issues on appeal. For the reasons that follow we affirm.

First, we find no error in the district court's dismissal of Collis' trial attorney Morris Fischer. We note that Fischer was the fourth attorney hired by Collis and that Collis had ample time prior to trial to hire another attorney.

Second, we find that Collis has failed to show entitlement to a new trial based on her allegation of juror misconduct, and we find no abuse of discretion by the district court regarding the matter. See United States v. Basham, 561 F.3d 302, 319 (4th Cir. 2009) (providing review standard for new trial), cert. denied, 130 S. Ct. 3353 (2010); United States v. Cheek, 94 F.3d 136, 140 (4th Cir. 1996) (noting that decision of whether improper contact or communication compromised the impartiality of the jury is reviewed for a "somewhat narrowed" abuse of discretion).

Third, the jury instruction to which Collis objects is irrelevant, as the jury did not consider the instruction. Fourth, we do not find that the district court abused its

discretion in limiting Collis to thirteen trial witnesses.
United States v. Hassan El, 5 F.3d 726, 731 (4th Cir. 1993).

Finally, we decline to reverse the district court, as sought by Collis in her fifth issue, and we find no error in the district court's ruling regarding Collis' attempt to utilize the judicial notice provision of Fed. R. Evid. 201. See generally Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239-40 (4th Cir. 1989) (discussing Rule 201(b)(2) regarding judicially noticed facts).

Accordingly, we affirm. 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