

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2729

STEPHEN BECKER,

Plaintiff - Appellant,

versus

JEFFREY KENT,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CA-96-3044-S)

Submitted: February 13, 1997

Decided: February 25, 1997

Before WIDENER and HAMILTON, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Stephen Becker, Appellant Pro Se. Jeffrey Kent, Appellee Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's order denying his motion for reconsideration in a civil action arising under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681a-t (1994). We have reviewed the district court's opinion and find that the motion was meritless. However, we note that the district court should have based its denial on this court's holding in Yohay v. City of Alexandria, 827 F.2d 967, 971-72 (4th Cir. 1987), where we stated that users of consumer credit reports may be civilly liable for violations of the Fair Credit Reporting Act if the violations are willful. Because Appellee obtained Appellant's credit report for a legitimate business reason, and not under false pretenses, Appellee did not commit a willful violation. Id.; see 15 U.S.C. §§ 1681n, o, q (1994). Accordingly, we affirm the denial of relief, albeit on different grounds than those relied upon by the district court. 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