

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-1121**

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EDWARD W. ROBERTS, SR., Personal Representa-  
tive of the Estate of Elsie Roberts, deceased,

Plaintiff - Appellant,

versus

PAUL R. FLEURY, M.D.; PAUL R. FLEURY, M.D.  
P.A.,

Defendants - Appellees,

and

CRAIG J. SCHAEFER, M.D.,

Defendant.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CA-  
96-2068-S)

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Argued: October 27, 1998

Decided: November 19, 1998

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Before HAMILTON and MOTZ, Circuit Judges, and BOYLE, Chief United  
States District Judge for the Eastern District of North Carolina,  
sitting by designation.

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Affirmed by unpublished per curiam opinion.

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**ARGUED:** Thy Christine Pham, SUDER & SUDER, P.A., Baltimore, Maryland, for Appellant. Elijah Dale Adkins, III, ANDERSON, COE & KING, L.L.P., Baltimore, Maryland, for Appellees. **ON BRIEF:** Matt R. Ballenger, SUDER & SUDER, P.A., Baltimore, Maryland, for Appellant. Gregory L. VanGeison, ANDERSON, COE & KING, L.L.P., Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edward Roberts, Sr. (Roberts) appeals the district court's grant of Dr. Paul Fleury's motion for judgment as a matter of law on Roberts' wrongful death claim involving his wife, Elsie Roberts, and his survival claim brought on behalf of her estate. In both claims, Roberts alleged that Dr. Fleury, in connection with his treatment of Mrs. Roberts for her complaints of left breast inflammation, committed medical malpractice proximately causing his wife's death. Upon review of the briefs and the record, and after consideration of oral arguments, we conclude that the district court was correct in granting judgment as a matter of law in favor of Dr. Fleury. Accordingly, we affirm the judgment of the district court for the reasons stated in its memorandum opinion. See Roberts v. Fleury, CA No. 96-CV-2068 (D. Md. December 24, 1997).

AFFIRMED