

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-1095**

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DAVID L. BABB,

Plaintiff - Appellant,

versus

BODDIE-NOELL ENTERPRISES, INCORPORATED, d/b/a  
Hardee's,

Defendant - Appellee.

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Appeal from the United States District Court for the Western Dis-  
trict of Virginia, at Roanoke. James C. Turk, District Judge.  
(CA-98-38-R)

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Submitted: August 17, 1999

Decided: September 2, 1999

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Before WILLIAMS and MICHAEL, Circuit Judges, and BUTZNER, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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F. Rodney Fitzpatrick, Roanoke, Virginia, for Appellant. Melissa  
Walker Robinson, Cathleen Kailani Memmer, GENTRY, LOCKE, RAKES &  
MOORE, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David L. Babb appeals the district court's order granting Appellee's motion for summary judgment in this negligence action. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. See Babb v. Boddie-Noell Enters., No. CA-98-38-R (W.D. Va. Dec. 15, 1998). 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