

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1166

ROBERT P. KELLY,

Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Chief District Judge. (CA-98-1307-A)

Submitted: September 21, 1999

Decided: September 29, 1999

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kathleen G. Walsh, ASHCRAFT & GEREL, Alexandria, Virginia, for Appellant. Helen F. Fahey, United States Attorney, Joel E. Wilson, Special Assistant United States Attorney, James J. Gigliotti, Third Year Law Student, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert P. Kelly appeals the district court's order granting the Government's motion to dismiss his civil complaint filed pursuant to the Federal Tort Claims Act. See 28 U.S.C. §§ 1346(b), 2671-80 (1994). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Kelly v. United States, No. CA-98-1307-A (E.D. Va. Dec. 8, 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

* Although the district court's order is marked as "filed" on December 7, 1998, the district court's records show that it was entered on the docket sheet on December 8, 1998. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was physically entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).