

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-1168**

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CHANA R. CARTER,

Plaintiff - Appellant,

versus

MARVIN T. RUNYON, JR., Postmaster General,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. David G. Lowe, Magistrate Judge. (CA-98-44-3)

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Submitted: July 6, 1999

Decided: September 13, 1999

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Sa'ad El-Amin, Beverly D. Crawford, EL-AMIN & CRAWFORD, Richmond, Virginia, for Appellant. Helen F. Fahey, United States Attorney, Joan E. Evans, Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Chana Carter appeals from the magistrate judge's order\* dismissing her employment discrimination action under Fed. R. Civ. P. 12(b)(1), for lack of subject matter jurisdiction. On appeal, she argues that the district court erred in finding that her employer was not equitably estopped from asserting that her claims were time-barred. We have reviewed the briefs and the joint appendix and find no reversible error. Carter failed to contact a counselor within forty-five days of the alleged discriminatory act, see 29 C.F.R. § 1614.105(a)(1) (1999), and has shown no basis for the equitable tolling of the limitations period. See Irwin v. Department of Veterans Affairs, 498 U.S. 89, 95-96 (1990); Olson v. Mobil Oil Corp., 904 F.2d 198, 201 (4th Cir. 1990). Accordingly, we affirm on the reasoning of the magistrate judge. 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

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\* The parties consented to the exercise of jurisdiction by a magistrate judge pursuant to 28 U.S.C. § 636(c)(1) (1994).