

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

THE BARDEN & ROBESON
CORPORATION,
Plaintiff-Appellant,

v.

FELLOWSHIP BAPTIST CHURCH OF
VIENNA, by and through its Trustees;
GLEN GAINER, III; CLAYTON BOND;
KERMIT POLAN,
Defendants-Appellees.

No. 01-1134

Appeal from the United States District Court
for the Southern District of West Virginia, at Parkersburg.
Joseph Robert Goodwin, District Judge.
(CA-00-1005-6)

Argued: December 4, 2001

Decided: January 8, 2002

Before WILKINS and MICHAEL, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Nathan M. Lyman, LYMAN & LYMAN, L.L.C., Albion, New York, for Appellant. Charles Edward McDonough, BOWLES, RICE, MCDAVID & LOVE, P.L.L.C., Parkersburg, West Virginia,

for Appellees. **ON BRIEF:** Robert L. Bays, BOWLES, RICE, MCDAVID & LOVE, P.L.L.C., Parkersburg, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

The Barden & Robeson Corporation (Barden) appeals the district court's dismissal (for lack of subject matter jurisdiction) of its petition to compel arbitration in its contractual dispute with the Fellowship Baptist Church of Vienna, West Virginia. The district court explained in its opinion that state courts in West Virginia had already considered Barden's arbitration claim and had entered judgment against Barden in the contractual dispute. The district court found that Barden's petition in federal court was in effect an attempt to upset the judgment of the West Virginia circuit court and held that the *Rooker-Feldman* doctrine precluded federal court jurisdiction over Barden's petition. We agree with the district court that it lacked subject matter jurisdiction over Barden's petition to compel arbitration, and we affirm on that court's reasoning. *See Barden & Robeson Corp. v. Fellowship Baptist Church of Vienna*, No. 6:00-1005 (S.D. W.Va. Jan. 9, 2001).

AFFIRMED