

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 01-1429

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MICHAEL T. MASUOKA,

Plaintiff - Appellant,

versus

G. W. MURPHY CONSTRUCTION COMPANY, INCORPORATED;  
ARGONAUT INSURANCE COMPANY, INC.;  
KENNETH T. GOYA, Insurance Agent,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge; James C. Cacheris, Senior District Judge. (CA-00-829-A)

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Submitted: August 31, 2001

Decided: September 25, 2001

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

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Affirmed by unpublished per curiam opinion.

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Michael T. Masuoka, Appellant Pro Se. Mark David Crawford, FRIEDLANDER, MISLER, FRIEDLANDER, SLOAN & HERZ, Washington, D.C.; Richard Albert Simpson, ROSS, DIXON & BELL, L.L.P., Washington, D.C., for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael T. Masuoka appeals from the district court's orders denying his motions for a new trial and to amend the judgment orders. Because Masuoka filed his Fed. R. Civ. P. 59 motions within ten days of the court's entry of its orders and timely appealed such orders, an appeal of the underlying orders are properly before this court. Fed. R. App. P. 4(a)(4); Dove v. CODESCO, 569 F.2d 807, 809-10 (4th Cir. 1978) (holding that the filing of a timely Rule 59 motion tolls the period for filing an appeal from the underlying order and that timely appeal of order regarding Rule 59 motion brings both Rule 59 order and underlying order before appeals court).

We have reviewed the record, the transcripts of the hearings on the motions to dismiss for lack of personal jurisdiction over the defendants, and the district court's opinions, and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Masuoka v. G.W. Murphy Construction Co., No. CA-00-829-A (E.D. Va. filed Feb. 14, 2001, entered Feb. 23, 2001; filed Feb. 21, 2001; entered Feb. 22, 2001). 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