

UNPUBLISHED

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

EUSEBIO P. GONZALES,  
*Plaintiff-Appellant,*

v.

STATE OF MARYLAND DEPARTMENT OF  
HEALTH & MENTAL HYGIENE;  
STATE OF MARYLAND,  
*Defendants-Appellees.*

No. 01-1516

Appeal from the United States District Court  
for the District of Maryland, at Baltimore.  
Frederic N. Smalkin, Chief District Judge.  
(CA-00-3557-S)

Submitted: January 31, 2002

Decided: February 20, 2002

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

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Herbert R. O'Connor, III, Towson, Maryland, for Appellant. J. Joseph Curran, Jr., Attorney General of Maryland, Cynthia Peltzman, Assistant Attorney General, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

PER CURIAM:

Eusebio P. Gonzales, M.D., appeals the district court's order granting the collective motion to dismiss of the State of Maryland and the State of Maryland Department of Health & Mental Hygiene, and dismissing with prejudice Gonzales' employment discrimination action alleging disparate treatment, hostile work environment, retaliation, civil conspiracy, and constructive discharge. The standard of review for a Rule 12(b)(6) dismissal is de novo. *Korb v. Lehman*, 919 F.2d 243, 246 (4th Cir. 1990). In general, such a dismissal should not be granted unless it appears certain that the plaintiff can prove no set of facts which would support his claim and entitle him to relief. In considering a motion to dismiss, the court should accept as true all well-pleaded allegations and should view the complaint in a light most favorable to the plaintiff. *See, e.g., De Sole v. United States*, 947 F.2d 1169, 1171 (4th Cir. 1991).

We have reviewed the parties' briefs, the materials presented in the joint appendix, and the district court's opinion, and find no reversible error. Accordingly, we affirm on the reasoning of the district court. *Gonzales v. Maryland Dep't of Health & Mental Hygiene*, No. CA-00-3557-S (D. Md. Mar. 12, 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*