

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1770

SAAD S. NOAH,

Plaintiff - Appellant,

versus

AOL-TIME WARNER, INCORPORATED; AMERICA ONLINE,
INCORPORATED,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. T. S. Ellis, III, District
Judge. (CA-02-1316-A)

Submitted: November 14, 2003

Decided: March 24, 2004

Before NIEMEYER, LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Saad S. Noah, Appellant Pro Se. Charles Colin Rushing, WILMER,
CUTLER & PICKERING, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Saad S. Noah appeals the district court's order granting Defendants' motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) and dismissing Noah's cause of action. Noah also appeals from the scheduling order entered by the magistrate judge. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Noah v. AOL Time Warner, Inc., No. CA-02-1316-A (E.D. Va. May 15, 2003). We deny the motion to dismiss.* 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

*Noah's notice of appeal was docketed by the district court on June 17, 2003, one day after the expiration of the thirty-day appeal period. Fed. R. App. P. 4(a). Noah, however, has submitted a delivery receipt from the United States Postal Service confirming a delivery to the district court on June 16, 2003. This document suggests that Noah filed a timely notice of appeal.