

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2302

ELIZABETH MEBANE,

Plaintiff - Appellant,

versus

THE PHOENIX COMPANIES, INCORPORATED; PHOENIX
HOME LIFE MUTUAL INSURANCE COMPANY, a/k/a
Phoenix Life Insurance Company,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. N. Carlton Tilley, Jr.,
Chief District Judge. (CA-03-195-1)

Submitted: March 11, 2004

Decided: March 17, 2004

Before WIDENER, WILKINSON, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Walter T. Johnson, Jr., LAW OFFICE OF WALTER T. JOHNSON, JR.,
Greensboro, North Carolina, for Appellant. William E. Freeman,
John A. Zaloom, MOORE & VAN ALLEN, P.L.L.C., Durham, North
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Elizabeth Mebane appeals the district court's order dismissing her breach of contract action as untimely under the statute of limitations. We have reviewed the record and find no reversible error. Absent exceptional circumstances not present here, issues not raised before the district court are beyond the scope of appellate review. Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). Accordingly, we affirm for the reasons stated by the district court. See Mebane v. Phoenix Companies, Inc., No. CA-03-195-1 (M.D.N.C. Sept. 16, 2003). 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