

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1254**

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JOSEPH KIPP PITNER,

Plaintiff - Appellant,

versus

HEALTH AND WELFARE FUND FOR THE INTERNATIONAL  
UNION OF OPERATING ENGINEERS LOCAL 99 AND 99A,

Defendant - Appellee.

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Appeal from the United States District Court for the District of  
Maryland, at Greenbelt. Alexander Williams, Jr., District Judge.  
(CA-02-2385-AW)

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Submitted: October 1, 2004

Decided: December 28, 2004

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Before MICHAEL, MOTZ, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Louis Fireison, Darin L. Rumer, LOUIS FIREISON & ASSOCIATES, PA,  
Bethesda, Maryland, for Appellant. Kelly J. Davidson, David L.  
Cole, Jr., OBER, KALER, GRIMES & SHRIVER, Baltimore, Maryland, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph Kipp Pitner appeals the district court's order dismissing his civil action governed by the Employee Retirement Income Security Act of 1974, as amended. We have reviewed the record, the parties' briefs, and the district court's opinion and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Pitner v. Health & Welfare Fund for Int'l Union of Operating Engr's Local 99 & 99A, No. CA-02-2385-AW (D. Md. Jan. 22, 2004). We grant Appellee's motion to submit the case on the briefs as the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED