

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1079

ROBERT SHARPE,

Plaintiff - Appellant,

versus

NATIONAL RAILROAD PASSENGER CORPORATION, a/k/a
Amtrak,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Louise W. Flanagan, Chief District Judge. (7:06-cv-00057-FL)

Submitted: September 12, 2007

Decided: September 20, 2007

Before WILKINSON and MOTZ, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

John R. Ates, ALBO & OBLON, LLP, Arlington, Virginia; A.L. Butler Daniel, ANDERSON, DANIEL & ASSOCIATES, Wrightsville Beach, North Carolina, for Appellant. Gerald T. Ford, Jerry A. Cuomo, Dennis M. Moore, LANDMAN CORSI BALLAINE & FORD, P.C., Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Sharpe appeals the district court's order dismissing his discrimination complaint for failure to state a claim. A court should not dismiss a complaint for failure to state a claim unless, after accepting as true the factual allegations of the challenged complaint and drawing all inferences in favor of the plaintiff, it appears beyond doubt that the plaintiff can prove no set of facts that would entitle him to relief. Lambeth v. Board of Comm'rs of Davidson County, 407 F.3d 266, 268 (4th Cir.), cert. denied, 546 U.S. 1015 (2005). We find no reversible error. Accordingly, we affirm for the reasons stated in the district court's order. See Sharpe v. Nat'l R.R. Passenger Corp., No. 7:06-cv-00057-FL (E.D.N.C. Dec. 28, 2006). 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