

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-1139

O'CONNOR CONSTRUCTION COMPANY; NATIONWIDE
HOMES, INCORPORATED,

Plaintiffs - Appellants,

versus

CITY OF BOILING SPRING LAKES; JACK PHILLIPS,
individually and as Agent for City of Boiling
Spring Lakes,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Wilmington. James C. Fox, Chief
District Judge. (CA-95-84-7-F)

Argued: October 29, 1996

Decided: November 21, 1996

Before HALL and LUTTIG, Circuit Judges, and BULLOCK, Chief United
States District Judge for the Middle District of North Carolina,
sitting by designation.

Affirmed by unpublished per curiam opinion.

ARGUED: Eugene Bedford Cannon, MASSEY, CANNON & SMITH, Statesville,
North Carolina, for Appellants. John Reeves Sloan, WARD & SMITH,
P.A., Wilmington, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

O'Connor Construction Company and Nationwide Homes, Inc., appeal an order of the district court dismissing, under Fed. R. Civ. P. 12(b)(6), their civil rights suit against the City of Boiling Spring Lakes, North Carolina. The complaint asserted that a city zoning ordinance that prohibits the construction of mobile or modular homes on parcels within the "R-1" residential zoning district deprives the plaintiffs of equal protection of the law. Having considered the briefs and heard the arguments of the parties, we affirm the judgment of the district court for the reasons stated in its memorandum opinion. O'Connor Construction Co. v. City of Boiling Spring Lakes, No. 7:95-CV-84-F3 (E.D.N.C. Jan. 3, 1996).

AFFIRMED