

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-1152

ROLAND H. CRONER, JR.,

Plaintiff - Appellant,

versus

METROPOLITAN LIFE INSURANCE COMPANY, d/b/a
Metlife,

Defendant - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Charles H. Haden II, Chief District Judge. (CA-94-1072-5)

Submitted: November 21, 1996

Decided: December 2, 1996

Before HALL, WILKINS, and HAMILTON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Roland H. Croner, Jr., Appellant Pro Se. Winfield Turley Shaffer, Michael Thomas Cimino, JACKSON & KELLY, Charleston, West Virginia; Daniel J. Doebele, METROPOLITAN LIFE INSURANCE COMPANY, New York, New York, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order granting summary judgment for the Appellee in Appellant's action alleging breach of contract and fraud. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error.* Accordingly, we affirm on the reasoning of the district court. Croner v. Metropolitan Life Ins. Co., No. CA-94-1072-5 (S.D.W. Va. Jan. 22, 1996). 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

* Although Appellant did not receive the notice required by Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), we find the failure to be harmless error. Fed. R. Civ. P. 61.