

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2541

GLEND A J. STALNAKER; MARK S. STALNAKER, as
Surviving Parents and Personal Representative
of Jennifer Nicole Stalnaker,

Plaintiffs - Appellants,

versus

GENERAL MOTORS CORPORATION, a Delaware
Corporation,

Defendant - Appellee.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Frederic N. Smalkin, District Judge.
(CA-95-1455-S)

Argued: June 5, 1997

Decided: July 18, 1997

Before WILKINSON, Chief Judge, and LUTTIG and WILLIAMS, Circuit
Judges.

Affirmed by unpublished per curiam opinion.

ARGUED: Melvin George Bergman, Beltsville, Maryland, for Appel-
lants. Brigit M. Macksey, PIPER & MARBURY, L.L.P., Baltimore,
Maryland, for Appellee. **ON BRIEF:** Joseph G. Finnerty, Jr., H.
Bruce Dorsey, PIPER & MARBURY, L.L.P., Baltimore, Maryland, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mark and Glenda Stalnaker sued General Motors alleging that their daughter Jennifer had died because the seat belt in a General Motors vehicle did not perform properly in an accident. The Stalnakers claimed that the seat belt failed to meet the standards set forth in Federal Motor Vehicle Safety Standard ("FMVSS") 209. The district court granted summary judgment to General Motors, concluding that FMVSS 209 was inapplicable to this claim because that provision does not speak to seat belt performance. Rather, FMVSS 209 merely provides a design standard for seat belts. The court further found that the undisputed evidence showed that Jennifer had misused the safety belt by not wearing the belt's shoulder restraint. It held that this misuse barred any recovery on a products liability theory.

We have reviewed the briefs and record, and we have heard oral argument. Our review of the record and the appropriate legal standards in this case persuades us that the decision of the district court was correct. We therefore affirm the judgment on the reasoning set forth in the district court's memorandum opinion. Stalnaker v. General Motors, Corp., Civil No. S 95-1455 (D. Md. September 11, 1996).

AFFIRMED