

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2624

BRIAN MITCHELL,

Plaintiff - Appellant,

versus

G.E. AMERICAN SPACENET,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, District Judge. (CA-96-969)

Submitted: May 1, 1997

Decided: May 7, 1997

Before WIDENER and MURNAGHAN, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brian Mitchell, Appellant Pro Se. Thomasenia Patricia Duncan, COVINGTON & BURLING, Washington, D.C., 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Unpublished opinions are not binding precedent in this circuit.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 dismissing his complaint for damages under the Americans with Disabilities Act, 42 U.S.C.A. §§ 12101-12213 (West 1995), "Privacy Act of 1974," 5 U.S.C. § 552(a) (1994), and under the common law action of defamation of character. The district court properly dismissed the claim under the ADA and for defamation of character without prejudice because Mitchell did not comply with Fed. R. Civ. P. 8 by failing to provide a short and plain statement of the claim. The district court properly dismissed the claim under the Privacy Act because the Defendant is a private corporation and not an agency subject to suit under the Act. See 5 U.S.C. § 552(f) (1994). We therefore affirm the district court order. Mitchell v. G.E. American Spacenet, No. CA-96-969 (E.D. Va. Oct. 9, 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