

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-1069**

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BRADLEY BERRY; DONNA DAVID ELLIOTT, as  
Administratrix of the estate of Charles  
Elliott; LOUIS FETHERMAN; HOPE RAMIREZ, per-  
sonal representative of the estate of Martin  
Lumbert and sole surviving heir; MUSTAFAH  
MANNSUR; KEVIN MILLER; JOHN RODRIGUEZ; JIM  
ROOS; RANDALL SCHARMEN; ROBERT SETTLE; LETICIA  
FETHERMAN; MARGARET ANN MANNSUR; SONDRAS  
SETTLE SORRENDINO,

Plaintiffs - Appellants,

versus

UNITED STATES OF AMERICA,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Terrence W. Boyle, Chief  
District Judge. (CA-96-1057-5-3-BO)

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Submitted: September 29, 1998

Decided: October 20, 1998

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Before WILKINS, HAMILTON, and MICHAEL, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Haral E. Carlin, Richard B. Glazier, BEAVER, HOLT, RICHARDSON, STERNLICHT, BURGE & GLAZIER, P.A., Fayetteville, North Carolina, for Appellants. Janice McKenzie Cole, United States Attorney, R. A. Renfer, Jr., Assistant United States Attorney, Anne M. Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants appeal the district court's order granting the Appellee's motion to dismiss. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Berry v. United States, CA-96-1057-5-3-BO (E.D.N.C. Dec. 16, 1997). 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. Thus, Appellee's motion to submit the case on briefs without oral argument is denied as moot.

AFFIRMED