

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2803

JEROME E. HEINEMANN; PATRICIA A. HEINEMANN,

Plaintiffs - Appellants,

versus

JIM WALTER HOMES, INCORPORATED, a Florida corporation; MID-STATE TRUST IV, a Delaware business trust; SAMUEL A. ST. CLAIR, Individual and official capacity; WILLIAM D. LEVINE, Individual and official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Robert Earl Maxwell, Senior District Judge. (CA-98-34-2)

Submitted: February 23, 1999

Decided: March 4, 1999

Before WIDENER, HAMILTON, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jerome E. Heinemann, Patricia A. Heinemann, Appellants Pro Se. William David Levine, ST CLAIR & LEVINE, Huntington, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants appeal the district court's denial of their motion to proceed with discovery prior to its decision on summary judgment and the court's grant of summary judgment in favor of Appellees. 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. Heinemann v. Jim Walter Homes, Inc., No. CA-98-34-2 (N.D.W. Va. Nov. 13, 1998). 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