

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

CIRCUIT CITY STORES, INCORPORATED,
Plaintiff-Appellant,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Defendant-Appellee.

No. 99-2360

Appeal from the United States District Court
for the Eastern District of Virginia, at Richmond.
Robert E. Payne, District Judge.
(CA-97-538-3)

Argued: May 3, 2000

Decided: October 31, 2000

Before MURNAGHAN,* LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: David E. Nagle, LECLAIR RYAN, Richmond, Virginia, for Appellant. Barbara L. Sloan, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Washington, D.C., for Appellee. **ON**

*Judge Murnaghan heard oral argument in this case but died prior to the time the decision was filed. The decision is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

BRIEF: Ellen Duffy McKay, LECLAIR RYAN, Richmond, Virginia; W. Stephen Cannon, Pamela G. Parsons, CIRCUIT CITY STORES, INC., Richmond, Virginia, for Appellant. C. Gregory Stewart, General Counsel, Vincent J. Blackwood, Assistant General Counsel, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Washington, D.C.; Helen F. Fahey, United States Attorney, Debra J. Prillaman, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Circuit City appeals the district court's order dismissing its appeal on sovereign immunity grounds. We have considered the briefs and arguments of the parties, and we agree with the district court that it lacked subject matter jurisdiction over this case. We therefore affirm, for the reasons stated by the district court, the order dismissing this case for lack of subject matter jurisdiction. *See Circuit City Stores, Inc. v. Equal Employment Opportunity Commission*, 75 F. Supp. 2d 491 (E.D. Va. 1999).

AFFIRMED