

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-1629**

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NIDELKA BENSON,

Plaintiff - Appellant,

versus

MRS. MARY HINMAN; MRS. GAIL FORD; MRS. CAROL  
EWING,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. Robert E. Payne, Senior  
District Judge. (3:06-cv-00825-REP)

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Submitted: November 16, 2007

Decided: December 3, 2007

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Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Nidelka Benson, Appellant Pro Se. Gary M. Nuckols, Andrew Philip  
Sherrod, HIRSCHLER, FLEISCHER, Richmond, Virginia; Walter Jervis  
Sheffield, WALTER J. SHEFFIELD, ATTORNEY AT LAW PC, Fredericksburg,  
Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nidelka Benson appeals the district court's order accepting the recommendation of the magistrate judge and granting Defendants' motions to dismiss her complaint brought under the Fair Labor Standards Act, 29 U.S.C.A. §§ 201-219 ("FLSA") (West 1998 & Supp. 2007). We have reviewed the record and find Benson's claims, filed more than three years after their accrual, barred by the FLSA's statute of limitations. See 29 U.S.C. § 255(a) (1998). We further find the district court did not abuse its discretion in refusing to equitably toll the statute of limitations. We therefore affirm the district court's dismissal of Benson's complaint on this ground. We dispense with oral argument because the facts and legal contentions are adequately addressed in the materials before the court and argument would not aid the decisional process.

AFFIRMED