

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1563

In Re: STEVEN NEIL KENDALL,

Debtor.

APARNA GUPTA,

Plaintiff - Appellee,

v.

STEVEN NEIL KENDALL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:07-cv-00122-LMB; BK-05-14772; 06-01019-SSM)

Submitted: July 1, 2008

Decided: August 13, 2008

Before NIEMEYER and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

A. Hugo Blankingship, III, BLANKINGSHIP & ASSOCIATES, P.C., Alexandria, Virginia, for Appellant. Richard G. Hall, Annandale, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Kendall appeals from the district court's order affirming the bankruptcy court's order entering judgment in favor of Aparna Gupta on her action challenging the dischargeability, under 11 U.S.C. § 523(a)(2)(A) (2000), of a \$65,000 loan made by Gupta to Kendall. We have reviewed the record on appeal and the parties' briefs and conclude that the bankruptcy court did not clearly err in finding that the debt at issue constituted an "extension, renewal, or refinancing of credit," and that it was procured through fraud, within the meaning of § 523(a)(2). See In re Biondo, 180 F.3d 126, 130 (4th Cir. 1999). Accordingly, we affirm. 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