

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1278

SIDNEY RONALD SILVERMAN, JR.,

Plaintiff - Appellant,

v.

TOWN OF BLACKSTONE, VIRGINIA,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. John A. Gibney, Jr., District Judge. (3:11-cv-00155-JAG)

Submitted: August 9, 2012

Decided: August 23, 2012

Before DUNCAN and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Archibald Wallace, III, Thomas J. Moran, WALLACEPLEDGER, PLLC, Richmond, Virginia, for Appellant. David P. Corrigan, Jeremy D. Capps, HARMAN, CLAYTOR, CORRIGAN & WELLMAN, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sidney Silverman, Jr. (Silverman) appeals the district court's Rule 12(b)(6) dismissal of his claim alleging the Town of Blackstone, Virginia, terminated his employment as the town's Superintendent of Water Utilities because he exercised his right to free speech as guaranteed by the First Amendment to the United States Constitution. See Fed. R. Civ. P. 12(b)(6) (party may assert by motion "failure to state a claim upon which relief can be granted" as a defense to a claim for relief in any pleading). Having carefully reviewed the briefs, the record, and the relevant law, we affirm on the reasoning of the district court, as stated in its February 3, 2012 memorandum opinion. Silverman v. Town of Blackstone, 843 F. Supp. 2d 628 (E.D.Va. 2012).

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