

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1806

BRENT J. GRIFFITH, individually and on behalf of all others
similarly situated,

Plaintiff - Appellant,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. David C. Norton, District Judge.
(2:12-cv-00239-DCN)

Submitted: January 30, 2013

Decided: February 11, 2013

Before TRAXLER, Chief Judge, and MOTZ and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

George J. Kefalos, Michelle N. Endemann, GEORGE J. KEFALOS, PA,
Charleston, South Carolina; Brian C. Duffy, DUFFY & YOUNG, LLC,
Charleston, South Carolina, for Appellant. Thomas W. Curvin,
Molley J. Clarkson, SUTHERLAND ASBILL & BRENNAN, LLP, Atlanta,
Georgia; Charles R. Norris, NELSON MULLINS RILEY & SCARBOROUGH,
LLP, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brent J. Griffith appeals the district court's order granting the Defendant's Fed. R. Civ. P. 12(b)(6) motion. On appeal, Griffith raises the issues of whether "South Carolina law imposes a duty on insurers to pay legal interest on covered claims under a homeowners insurance policy irrespective of whether an insured has obtained a judgment against the insurer on a breach of contract or duty related to the claim" and whether such interest is paid from the date of loss. We affirm.

"We review de novo a district court's decision to dismiss for failure to state a claim, assuming all well-pleaded, nonconclusory factual allegations in the complaint to be true." Aziz v. Alcolac, Inc., 658 F.3d 388, 391 (4th Cir. 2011). A Rule 12(b)(6) motion challenges the legal sufficiency of the complaint. Francis v. Giacomelli, 588 F.3d 186, 192 (4th Cir. 2009). To survive a Rule 12(b)(6) motion, the complaint must "'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)).

We have reviewed the record and conclude that the district court did not err in granting the Defendant's motion to dismiss the complaint. Accordingly, we affirm for the reasons stated by the district court. See Griffith v. State Farm Fire & Cas. Co., No. 2:12-cv-00239-DCN (D.S.C. June 7, 2012). We

dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED