

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1914

FIRST CITIZENS BANK & TRUST COMPANY INC.,

Plaintiff - Appellee,

and

UNITED STATES DEPARTMENT OF THE TREASURY; BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM, a/k/a Federal Reserve Board,

Third Party Defendants - Appellees,

v.

GEORGE N. SPIRAKIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Florence. R. Bryan Harwell, District Judge.
(4:11-cv-02895-RBH)

Submitted: February 22, 2013

Decided: March 15, 2013

Before DAVIS, KEENAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

George N. Spirakis, SPIRAKIS AND HAAR, Myrtle Beach, South
Carolina; Sam G. Stathos, PATRICK & STATHOS, LLC, Surfside
Beach, South Carolina, for Appellant. Stuart F. Delery, Acting
Assistant Attorney General, Mark B. Stern, Jeffrey E. Sandberg,
UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; William

N. Nettles, United States Attorney, Columbia, South Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George N. Spirakis appeals the district court's order dismissing for lack of subject matter jurisdiction his claim that the United States Department of the Treasury and the Federal Reserve violated his rights to equal protection and due process by declining to provide him financial assistance under the Troubled Asset Relief Program. We have carefully reviewed the parties' briefs and the joint appendix and find no legal or factual basis to reverse the district court's conclusion that Congress has not waived its sovereign immunity with respect to money damage awards arising from agency action pursuant to the Emergency Economic Stabilization Act of 2008, 12 U.S.C.A. §§ 5201-5261 (West Supp. 2012). Accordingly, we affirm for the reasons stated by the district court. First Citizens Bank & Trust Co. v. Spirakis, No. 4:11-cv-02895-RBH (D.S.C. May 30, 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