

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1742

JOHN R. UNTHANK; JACKIE D. UNTHANK,

Plaintiffs - Appellants,

v.

FREEDOM MORTGAGE CORPORATION; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; SEQUOIA MORTGAGE TRUST, 2010
H1,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. J. Frederick Motz, Senior District
Judge. (1:13-cv-00100-JFM)

Submitted: August 29, 2013

Decided: September 3, 2013

Before DUNCAN, AGEE, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John R. Unthank, Jackie D. Unthank, Appellants Pro Se. Glenn
Cline, Robert A. Scott, BALLARD SPAHR, LLP, Baltimore, Maryland,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John and Jackie Unthank appeal the district court's judgment dismissing their diversity action for failure to state a claim and denying their motion to reinstate their case and amend their complaint. On appeal, the Unthinks do not challenge the district court's conclusion that their complaint was properly dismissed for failure to state a claim because their claims rested on an invalid legal theory. See Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999) (concluding that issues not raised in opening brief are deemed waived); 4th Cir. R. 34(b) (limiting appellate review to issues raised in informal brief). Rather, the Unthinks argue only that the district court erred in dismissing their pro se complaint without advising them of their right to amend the complaint or providing them an opportunity to do so. We have reviewed the record in this case and find no reversible error on the grounds asserted. See Arnett v. Webster, 658 F.3d 742, 756-57 (7th Cir. 2011) (addressing court's obligation to advise pro se plaintiff regarding amendment of complaint); Francis v. Giacomelli, 588 F.3d 186, 197 (4th Cir. 2009) (finding no abuse of discretion in denial of request to amend when litigants provided no proposed amendment); Laber v. Harvey, 438 F.3d 404, 428 (4th Cir. 2006) (finding no abuse of discretion in denial of motion to amend when amendment would be futile). Accordingly, we affirm the

district court's judgment. 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