

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-2305

DEBORAH A. HYATT,

Plaintiff - Appellant,

v.

PRUDENTIAL INSURANCE CO. OF AMERICA; THERMO FISHER SCIENTIFIC,
INC. HEALTH & WELFARE PLAN; THERMO FISHER SCIENTIFIC, INC.,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Martin K. Reidinger,
District Judge. (1:14-cv-00035-MR)

Submitted: January 22, 2016

Decided: February 17, 2016

Before WILKINSON, SHEDD, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Walter E. Daniels III, DANIELS LAW FIRM, PC, Asheville, North
Carolina, for Appellant. Ian H. Morrison, SEYFARTH SHAW LLP,
Chicago, Illinois, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Deborah A. Hyatt appeals the district court's order dismissing, under Fed. R. Civ. P. 12(b)(6), her civil action seeking relief pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended. On appeal, Hyatt raises two issues: (1) whether her complaint was timely filed according to the plain language of the ERISA plan; and (2) whether an ambiguity existed in the ERISA plan language that rendered the granting of Prudential's motion to dismiss erroneous. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Hyatt v. Prudential Ins. Co. of Am., No. 1:14-cv-00035-MR (W.D.N.C. Oct. 31, 2014). 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