

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2060

JASON LEON DIEDRICH,

Plaintiff - Appellant,

v.

CITY OF NEWPORT NEWS, VIRGINIA; JAMES M. BOUREY; RICHARD W.
MYERS; YVONNE M. MANNING,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Newport News. Raymond A. Jackson,
District Judge. (4:15-cv-00002-RAJ-LRL)

Submitted: April 29, 2016

Decided: June 21, 2016

Before KEENAN and WYNN, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kevin P. Shea, KEVIN P. SHEA, ATTORNEY-AT-LAW, INC., Hampton,
Virginia, for Appellant. Darlene P. Bradberry, Christopher M.
Midgley, OFFICE OF THE CITY ATTORNEY, Newport News, Virginia,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jason Leon Diedrich appeals the district court's order dismissing his civil action alleging claims under 42 U.S.C. § 1983 (2012) and state law. On appeal he raises three issues: (1) whether the district court erred by finding that his demotion claim was barred by res judicata; (2) whether the district court erred by ruling that his personnel records claim was time barred; and (3) whether the district court erred by denying him a hearing on the motion to dismiss.

We review de novo the district court's granting of Defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6). Philips v. Pitt Cnty. Mem'l Hosp., 572 F.3d 176, 179-80 (4th Cir. 2009). Like the district court, we must take the complaint's factual allegations as true and draw all reasonable inferences in the plaintiff's favor. E.I. du Pont de Nemours & Co. v. Kolon Indus. Inc., 637 F.3d 435, 440 (4th Cir. 2011). To survive a motion to dismiss, a complaint must contain sufficient facts to state a claim that is plausible on its face. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007).

We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Diedrich v. City of Newport News, No. 4:15-cv-00002-RAJ-LRL (E.D. Va. Aug. 12, 2015); see Cray Commc'ns, Inc. v. Novatel Computr Sys., Inc., 33 F.3d 390, 396 (4th Cir. 1994) (noting

that there is no absolute requirement that a ruling on a summary motion be preceded by a hearing). 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