

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1263

JUAN R. CERVANTES,

Plaintiff - Appellant,

v.

BRIDGEFIELD CASUALTY INSURANCE COMPANY,

Defendant - Appellee.

No. 16-1324

JUAN R. CERVANTES,

Plaintiff - Appellee,

v.

BRIDGEFIELD CASUALTY INSURANCE COMPANY,

Defendant - Appellant.

Appeals from the United States District Court for the Middle
District of North Carolina, at Greensboro. Joe L. Webster,
Magistrate Judge. (1:15-cv-00081-JLW)

Submitted: November 29, 2016

Decided: December 6, 2016

Before NIEMEYER, TRAXLER, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

J. David Stradley, WHITE & STRADLEY, PLLC, Raleigh, North Carolina; Brian M. Ricci, RICCI LAW FIRM, PA, Greenville, North Carolina, for Appellant/Cross-Appellee. Jessica C. Tyndall, MCANGUS, GOUDELOCK & COURIE, Raleigh, North Carolina, for Appellee/Cross-Appellant.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan R. Cervantes appeals the district court's order dismissing his complaint for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1), and Bridgefield Casualty Insurance Company ("Bridgefield") cross-appeals from the district court's orders denying Bridgefield's motions to stay discovery and for a protective order, and granting, in part, Cervantes' motions to compel and for sanctions. With respect to Cervantes' appeal, we have reviewed the record and find no reversible error. We agree with the district court that "persuasive data" does not exist convincing us that the North Carolina Supreme Court would disagree with the decisions of the North Carolina Court of Appeals relied on by the district court. See Assicurazioni Generali, S.p.A. v. Neil, 160 F.3d 997, 1002-03 (4th Cir. 1998). Accordingly, we affirm the dismissal of Cervantes' complaint substantially for the reasons stated by the district court. Cervantes v. Bridgefield Cas. Ins. Co., No. 1:15-cv-00081-JLW (M.D.N.C. Feb. 11, 2016). Because we affirm the district court's dismissal of Cervantes' complaint, we dismiss Bridgefield's cross-appeal as moot. 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