UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1736

DEBRA R. SMITH,

Plaintiff - Appellant,

v.

SAM'S EAST, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Abingdon. James P. Jones, District Judge. (1:15-cv-00035-JPJ-PMS)

Submitted: December 29, 2016 Decided: January 9, 2017

Before GREGORY, Chief Judge, and WILKINSON and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Lynn Tate, TATE LAW PC, Abingdon, Virginia, for Appellant. W. Bradford Stallard, P. Danielle Stone, PENN, STUART & ESKRIDGE, Abingdon, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Debra R. Smith appeals the district court's order granting summary judgment in favor of Sam's East, Inc., in her personal injury action. "[W]e review de novo the district court's order granting summary judgment." Jacobs v. N.C. Admin. Office of the Courts, 780 F.3d 562, 565 n.1 (4th Cir. 2015). "A district court 'shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.'" Id. at 568 (quoting Fed. R. Civ. P. 56(a)). "A dispute is genuine if a reasonable jury could return a verdict for the nonmoving party." Id. (internal quotation marks omitted). In determining whether a genuine issue of material fact exists, "we view the facts and all justifiable inferences arising therefrom in the light most favorable to . . . the nonmoving party." Id. at 565 n.1 (internal quotation marks omitted). However, "the nonmoving party must rely on more than conclusory allegations, mere speculation, the building of one inference upon another, or the mere existence of a scintilla of evidence." Dash v. Mayweather, 731 F.3d 303, 311 (4th Cir. 2013).

We have thoroughly reviewed the parties' briefs and the materials in the joint appendix and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Smith v. Sam's East, Inc., No. 1:15-cv-00035-JPJ-PMS

(W.D. Va. June 7, 2016). 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