

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-2253

JOSEPH S. THOMAS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia,
at Beckley. Irene C. Berger, District Judge. (5:16-cv-12337)

Submitted: April 26, 2018

Decided: May 3, 2018

Before KING, AGEE, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Monica T. Monday, Leslie S. Bowers, GENTRY LOCKE, Roanoke, Virginia, for
Appellant. Chad A. Readler, Acting Assistant Attorney General, Mark B. Stern, Dennis
Fan, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington,
D.C.; Michael B. Stuart, United States Attorney, OFFICE OF THE UNITED STATES
ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph S. Thomas appeals the district court's order granting summary judgment in favor of the United States on his Federal Tort Claims Act ("FTCA") suit. Because the district court properly declined to apply West Virginia law governing equitable tolling, we affirm for the reasons stated by the district court. *Thomas v. United States*, No. 5:16-cv-12337 (S.D.W. Va. Oct. 2, 2017). See *Anderson v. United States*, 669 F.3d 161, 164 (4th Cir. 2011) (noting that federal law defines the limitations period for suits under the FTCA). 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