

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-2006

MELINDA SCOTT,

Plaintiff - Appellant,

v.

WISE COUNTY DEPARTMENT OF SOCIAL SERVICES; JOSHUA MOON,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Big Stone Gap. James P. Jones, Senior District Judge. (2:20-cv-00014-JPJ-PMS)

Submitted: October 28, 2022

Decided: February 16, 2023

Before NIEMEYER, RICHARDSON, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Melinda L. Scott, Appellant Pro Se. Matthew Hardin, HARDIN LAW OFFICE, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melinda Scott appeals the district court's order dismissing her civil complaint. Defendant Joshua Moon moves to dismiss based on an order from the magistrate judge certifying under Fed. R. App. P. 24(a)(3)(A) that this appeal was not taken in good faith. Because the district court did not adopt the certification and the parties did not consent to the magistrate judge's jurisdiction, we deny Moon's motions to dismiss.

Nevertheless, upon review of the record, we agree with the district court's determination that Scott failed to state a claim for intentional infliction of emotional distress under Virginia law. Accordingly, we affirm the district court's judgment. In addition, we deny Scott's motion to seal, we deny Moon's motion for attorney's fees and his motion to strike Scott's reply to the motion for attorney's fees, and we deny as moot Moon's motion to dismiss a separate appeal, No. 22-1343, filed by Scott.

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