UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2041

ROZAIN ELIZABETH CASIE CHITTY,

Plaintiff - Appellant,

v.

LIBERTY UNIVERSITY,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Lynchburg. Norman K. Moon, Senior District Judge. (6:13-cv-00043-NKM)

Submitted: November 14, 2013 Decided: December 4, 2013

Before MOTZ, FLOYD, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mark A. Yurachek, MARK ALLEN YURACHEK & ASSOCIATES, Falls Church, Virginia, for Appellant. Calvin Wooding Fowler, Jr., Joseph Ray Pope, WILLIAMS MULLEN, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Rozain Elizabeth Casie Chitty appeals the district court's order dismissing her complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) (2006) for failure to state a claim upon which relief may be granted. On appeal, Chitty's sole argument is that the district court erred in dismissing her complaint without providing her notice of the court's intention and an opportunity to respond. But under § 1915(e)(2)(B), which governs proceedings in forma pauperis, a district court is directed to dismiss a case "at any time" if the court finds that the case or appeal is frivolous or malicious, fails to state a claim, or seeks damages from a party who is immune from such relief. Because Chitty moved for and was granted leave to proceed in forma pauperis, § 1915(e)(2)(B) authorized the sua sponte dismissal effected by the district court. See Jones v. Bock, 549 U.S. 199, 214 (2007) (noting Prison Litigation Reform Act allows sua sponte dismissal of in forma pauperis case for failure to state a claim, among other grounds). We therefore conclude that Chitty's argument lacks merit,[1] and we affirm the district court's judgment.

[1] Chitty's brief does not contend that any of her claims did, in fact, sufficiently state a claim for relief, and we therefore do not address that issue. See Suarez-Valenzuela v. Holder, 714 F.3d 241, 248-49 (4th Cir. 2013) (holding issues not raised in argument section of opening brief are abandoned).

We deny Liberty University's motion to dismiss for lack of jurisdiction.[2] 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

[2] Even if the district court's dismissal without prejudice would otherwise be a non-appealable interlocutory order, see Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993), the applicable two-year statute of limitations period on Chitty's fraud claims has passed. Va. Code Ann. § 8.01-243(A) (2013 Cum. Supp.). Thus, we conclude that the district court's dismissal order is effectively final.