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2004 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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1-13-2004

## Syed v. Hercules Inc

Precedential or Non-Precedential: Non-Precedential

Docket No. 02-1780

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 02-1780

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SAJID L. SYED,

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Appellant

v.

HERCULES INC., Plan Administrator and Fiduciary  
of Income Protection Plan;  
HERCULES INC., a Delaware corporation;  
HERCULES INCORPORATED INCOME PROTECTION PLAN,  
an employee welfare benefit plan

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On Appeal from the United States District Court  
for the District of Delaware  
(D.C. Civ. No. 01-cv-00713)  
Honorable Joseph J. Faman, Jr., Chief Judge

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Submitted under Third Circuit LAR 34.1(a)  
January 12, 2004

BEFORE: BARRY, SMITH, and GREENBERG, Circuit Judges

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(Filed January 13, 2004)

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OPINION OF THE COURT

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GREENBERG, Circuit Judge.

This matter comes on before this court on Sajid L. Syed's appeal from orders

entered in the district court dated February 4, 2002, April 9, 2002, and April 10, 2002, as a result of Syed's ERISA claims. The case has a long history which the district court summarized in its February 4, 2002 opinion. In view of this history there have been numerous prior opinions in this case in both the district court and this court. See, e.g., Syed v. Hercules Inc., 214 F.3d 155 (3d Cir. 2000). These latest proceedings arise out of an action Syed filed on October 25, 2001. In the circumstances we will not set forth the background of the case as the parties are familiar with it. The order of the district court dated February 4, 2002, granted appellees' motion to dismiss; that of April 9, 2002, denied Syed's motion to amend his complaint; and that of April 10, 2002, denied his motion for reconsideration.

We have jurisdiction on this appeal under 28 U.S.C. § 1291. We exercise plenary review over the orders denying the motion to dismiss and reconsideration, see John Hancock Mut. Life Ins. Co. v. Olick, 151 F.3d 132, 134 (3d Cir. 1998), and review the denial of the motion to amend for an abuse of discretion. See Garvin v. City of Philadelphia, No. 03-1573, 2003 WL 23097078, at \*3, \_\_\_ F.3d \_\_\_ (3d Cir. Dec. 31, 2003).

After a careful review of this matter we agree with the district court that this case "borders on frivolous." Indeed, we think that the court was generous to Syed when it denied the appellees' motion for sanctions.

The orders of February 4, 2002, April 9, 2002, and April 10, 2002, will be

affirmed.

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TO THE CLERK:

Please file the foregoing not precedential opinion.

\_\_\_\_\_  
/s/ Morton I. Greenberg

Circuit Judge

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