

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-2397

PETER P. WONG,
Appellant

v.

SECRETARY UNITED STATES
DEPARTMENT OF HOMELAND SECURITY

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil No. 2-11-cv-03059)
District Judge: Honorable Mitchell S. Goldberg

Submitted Under Third Circuit LAR 34.1(a)
March 4, 2013

Before: RENDELL, AMBRO and VANASKIE, Circuit Judges

(Opinion Filed: March 19, 2013)

OPINION OF THE COURT

RENDELL, Circuit Judge

Peter Wong appeals the orders of the United States District Court for the Eastern District of Pennsylvania granting the government's motion to dismiss his complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and denying his motions for

reconsideration. The District Court dismissed Wong's complaint alleging race, color, and national-origin discrimination in violation of Title VII, 42 U.S.C. § 2000e *et seq.* because Wong had not initiated an equal employment opportunity proceeding within forty-five days of the alleged discrimination. 29 C.F.R. § 1614.105(a)(1-2). The District Court concluded that Wong's lateness was not excused by either equitable tolling or equitable estoppel. Wong timely appealed.

This Court has jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the decision to grant a 12(b)(6) motion to dismiss, *see Weston v. Pennsylvania*, 251 F.3d 420, 425 (3d Cir. 2001), and we review the decision to deny a motion for reconsideration for abuse of discretion, *see Great W. Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d 159, 163 (3d Cir. 2010).

We have carefully considered the appellate briefs of the parties and the record, including the memorandum of the District Court. We see no need to expand upon the District Court's opinion, which we find to be well reasoned regarding the conclusion that Wong's case was brought too late. Accordingly, for substantially the same reasons set forth by the District Court, we will affirm.