

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 15-11108  
Non-Argument Calendar

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D.C. Docket No. 2:14-cv-01941-LSC

PETER J. FERRARI,

Plaintiff – Counter  
Defendant – Appellant,

versus

D. R. HORTON, INC.,

Defendant – Counter  
Claimant - Appellee.

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Appeal from the United States District Court  
for the Northern District of Alabama

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(September 1, 2015)

Before TJOFLAT, MARTIN and ANDERSON, Circuit Judges.

PER CURIAM:

Before us is Peter Ferrari's appeal of the District Court's order of February 20, 2015, denying appellant's motion to stay action and compel arbitration, and his appeal of the District Court's order of March 16, 2015, denying his motion for reconsideration. The District Court denied Ferrari's motion to stay action and for arbitration on the ground that Ferrari had "waived his right to arbitration through his conduct." We agree and therefore affirm the February 20, 2015, order. The District Court denied Ferrari's motion for reconsideration because the two arguments he presented in his motion—that D. R. Horton, Inc. had "failed to give him a copy of the arbitration agreement when he was first hired" and refused to provide him with a copy of the agreement despite his requests for copies of all . . . employment agreements relating to this employment," and that D. R. Horton, Inc. "should be unable to argue that it was prejudiced by Ferrari pursuing litigation in federal court when it could have moved to compel arbitration at any point during either the state or federal proceeding"—were meritless. We agree for the reasons the court stated in its March 16, 2015 order, and therefore affirm that order.

AFFIRMED.