

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

JANET S. GUTHRIE,

Plaintiff-Appellant.

v.

No. 00-1275

BLUE RIDGE SAVINGS BANK,

INCORPORATED,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of North Carolina, at Asheville.
Max O. Cogburn, Magistrate Judge.
(CA-97-353-1-C)

Submitted: May 11, 2000

Decided: May 22, 2000

Before MURNAGHAN, LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Janet S. Guthrie, Appellant Pro Se. Robert Bobo Long, Jr., William
Andrew Parker, LONG, PARKER & WARREN, P.A., Asheville,
North Carolina; Kimberly Anderson Lyda, HARTSELL, HARTSELL
& WHITE, Concord, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Janet S. Guthrie appeals from the magistrate judge's order dismissing her civil action in which she claimed gender discrimination based upon a demotion she received while employed with the Appellee. Our review of the record and the magistrate judge's opinion discloses that this appeal is without merit. Our review of the evidence supports the magistrate judge's conclusion that Guthrie failed to establish a prima facie case of employment discrimination because she could not establish satisfactory job performance at the time of her demotion.*See McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973); Alvarado v. Board of Trustees, 928 F.2d 118, 121 (4th Cir. 1991). See also O'Connor v. Consolidated Coin Caterers Corp., 517 U.S. 308, 312-13 (1996). Accordingly, we cannot say that the magistrate judge's finding of non-discrimination was clearly erroneous. See Anderson v. City of Bessemer, 470 U.S. 564, 574 (1985). We further find no abuse of discretion in refusing to allow Guthrie leave to amend her complaint. Fed. R. Civ. P. 15(a); Foman v. Davis, 371 U.S. 178, 182 (1962).

We therefore affirm on the reasoning of the magistrate judge. See Guthrie v. Blue Ridge Sav. Bank, Inc., No. CA-97-353-1-C (W.D.N.C. Feb. 4, 2000). Guthrie raises additional issues in her informal brief. However, because these claims were not previously raised in the district court, we decline to consider such claims on appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process.

AFFIRMED

*In light of this finding, we will not address the claim which relates to the disparate treatment elements of Guthrie's prima facie case.