

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

GLORIA LEE WALLACE,
Plaintiff-Appellant,

v.

DANVILLE REGIONAL MEDICAL
CENTER,

Defendant-Appellee,

and

LARRY DEPRIEST; GERALD ADCOCK;
JUDY HODNETT; WILSON FUTRELL;
SHELLY THOMPSON,

Defendants.

No. 00-1699

Appeal from the United States District Court
for the Western District of Virginia, at Danville.
Jackson L. Kiser, Senior District Judge.
(CA-99-1)

Submitted: October 26, 2000

Decided: November 14, 2000

Before MOTZ, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Angela Newell Gray, GRAY, NEWELL, JOHNSON & BLACK-
MON, L.L.P., Greensboro, North Carolina, for Appellant. Donald L.

Creach, Scott A. Johnson, HUNTON & WILLIAMS, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Gloria Lee Wallace appeals the district court's order denying her motion to disregard a supplemental affidavit and granting Defendant's motion for summary judgment in this action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5 (1994), and 42 U.S.C.A. § 1981 (West 1994 & Supp. 2000). We have reviewed de novo the briefs and joint appendix and affirm the grant of summary judgment to Defendant on the reasoning of the district court. *See Wallace v. Danville Reg'l Med. Ctr.*, No. CA-99-1 (W.D. Va. May 2, 2000); *Gibson v. Old Town Trolley Tours*, 160 F.3d 177, 182 (4th Cir. 1998); *Causey v. Balog*, 162 F.3d 795, 803 (4th Cir. 1998); *Hughes v. Bedsole*, 48 F.3d 1376, 1283 (4th Cir. 1995); *Walls v. City of Petersburg*, 895 F.2d 188, 191 (4th Cir. 1990). To the extent Wallace now advances a disparate impact claim based upon the entire selection process for the position of Clinical Associate, we find the claim has been waived because it was not raised before the district court. *See Hughes*, 48 F.3d at 1388 n.14.

We also find that the district court did not abuse its discretion in denying Wallace's motion to disregard a supplemental affidavit. *See Bayway Ref. Co. v. Oxygenated Mktg. & Trading A.G.*, 215 F.3d 219, 226 (2d Cir. 2000). 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