

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2059

SHELDON W. WHITTAKER,

Plaintiff - Appellant,

versus

RES-CARE, INCORPORATED, d/b/a Old Dominion Job
Corps Center; VIRGINIA JOB CORPS PLACEMENT
SERVICES,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Norfolk. Tommy E. Miller, Magistrate Judge.
(CA-99-1994-2)

Submitted: October 26, 2000

Decided: November 1, 2000

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sheldon W. Whittaker, Appellant Pro Se. Bruce McCoy Steen, MCGUIRE,
WOODS, BATTLE & BOOTHE, L.L.P., Charlotte, North Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Sheldon W. Whittaker appeals the magistrate judge's order granting summary judgment to Defendants in this employment discrimination action.¹ On appeal, Whittaker challenges only the magistrate judge's disposition of his retaliatory discharge claim. See 4th Cir. R. 34(b). We have reviewed the record and the magistrate judge's order and find no reversible error. We agree with the magistrate judge that Whittaker failed to forecast evidence sufficient to show that Defendants' reasons for his termination were pretextual. Accordingly, we affirm on the reasoning of the magistrate judge. See Whittaker v. Res-Care, Inc., No. CA-99-1994-2 (E.D. Va. July 11, 2000).² We deny Defendants' motion to dismiss the appeal as untimely and 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

¹ This case was decided by a magistrate judge exercising jurisdiction upon consent of the parties under 28 U.S.C.A. § 636(c)(1) (West 1993 & Supp. 2000).

² Although the judgment is marked as "filed" on July 10, 2000, the district court's records show that the judgment was entered on the docket sheet on July 11, 2000. Pursuant to Fed. R. Civ. P. 58 and 79(a), we consider the date the judgment was entered as the effective date of the magistrate judge's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).