

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1107

THEODORE R. JACKSON,

Plaintiff - Appellant,

versus

JAMES RIVER IRON, INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CA-00-191-3)

Submitted: April 12, 2001

Decided: April 18, 2001

Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Theodore R. Jackson, Appellant Pro Se. James LeRoy Banks, Jr., MCGUIREWOODS, L.L.P., Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Theodore R. Jackson appeals the district court's order granting summary judgment to James River Iron, Inc. and dismissing his claim that his discharge violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq. We review a district court's grant of summary judgment de novo. See Higgins v. E. I. Dupont de Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988). Jackson contends he was discharged on October 27, 1998. He filed a sworn charge with the EEOC on October 27, 1999. Although Jackson filed a letter with the EEOC on August 20, 1999, within the 300 day limitations period, the letter was not sworn, therefore, it does not serve as a "charge." See Tinsley v. First Union Nat'l Bank, 155 F.3d 435, 439-40 (4th Cir. 1998) (discussing limitations period). Accordingly, we affirm the district court's order on the grounds that Jackson failed to exhaust his administrative remedies by timely filing a charge with the EEOC. See Edelman v. Lynchburg College, 228 F.3d 503 (4th Cir. 2000), pet. for cert. filed, 69 U.S.L.W. 3481 (U.S. Apr. 2, 2001) (No. 00-1072). 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