

UNPUBLISHED  
**UNITED STATES COURT OF APPEALS**  
FOR THE FOURTH CIRCUIT

GWENDOLYN McNEIL, <i>Plaintiff-Appellant,</i> v. HOSPICE OF NORTHERN VIRGINIA, <i>Defendant-Appellee.</i>
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No. 01-2303

Appeal from the United States District Court  
for the Eastern District of Virginia, at Alexandria.  
Gerald Bruce Lee, District Judge.  
(CA-01-178-A)

Submitted: May 2, 2002

Decided: June 10, 2002

Before WIDENER, WILKINS, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

William S. Stancil, CAPITAL LAW CENTERS, Washington, D.C.,  
for Appellant. Thomas P. Murphy, HUNTON & WILLIAMS,  
McLean, Virginia; Edwin F. Farren, HUNTON & WILLIAMS, Rich-  
mond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Gwendolyn McNeil appeals the district court's order granting summary judgment in favor of Hospice of Northern Virginia on her racial discrimination, hostile work environment, and retaliation claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. §§ 2000e to 2000e-17 (West 1994 & Supp. 2001), and her age discrimination claim under the Age Discrimination in Employment Act (ADEA), 29 U.S.C.A. §§ 621-634 (West 1999 & Supp. 2001). McNeil appeals only the district court's rulings regarding her racial discrimination and age discrimination claims.

We have reviewed the parties' briefs, the joint appendix, and the district court's order and find no reversible error. The district court correctly determined McNeil failed to establish a prima facie case of discriminatory discharge or age discrimination because she failed to establish that she was performing at a level that met her employer's legitimate job expectations, or that she was replaced by someone outside her protected class or someone within her protected class but significantly younger than she. *See Brinkley v. Harbour Recreation Club*, 180 F.3d 598, 607 (4th Cir. 1999); *EEOC v. Sears Roebuck & Co.*, 243 F.3d 846, 851 (4th Cir. 2001). Furthermore, even if McNeil could establish a prima facie case, she has presented no evidence of pretext. *See Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 137-39 (2000). Accordingly, we affirm on the reasoning of the district court. *McNeil v. Hospice of N. Va.*, No. CA-01-178-A (E.D. Va. filed Sept. 25, 2001; entered Sept. 28, 2001). 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*