

UNPUBLISHED  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

<p>EARTHA ALEXANDER, <i>Plaintiff-Appellant,</i></p> <p style="text-align:center">v.</p> <p>BANK OF AMERICA, <i>Defendant-Appellee.</i></p>	}	No. 02-1223
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Appeal from the United States District Court  
for the Eastern District of Virginia, at Norfolk.  
Rebecca B. Smith, District Judge.  
(CA-01-520-2)

Submitted: August 22, 2002

Decided: October 3, 2002

Before WILKINS, NIEMEYER, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Robert C. Neeley, Jr., ROBINSON, NEELEY & ANDERSON, Norfolk, Virginia, for Appellant. Robert W. McFarland, Ruth L. Goodboe, MCGUIRE WOODS, L.L.P., Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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**OPINION**

## PER CURIAM:

Eartha Alexander appeals the district court's order granting summary judgment in favor of Bank of America ("the Bank") on her racial discrimination and disparate discipline 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). We affirm.

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 Alexander failed to establish a prima facie case of discriminatory discharge or disparate discipline because she failed to establish that she was performing at a level that met her employer's legitimate job expectations, *see Brinkley v. Harbour Recreation Club*, 180 F.3d 598, 607 (4th Cir. 1999), or that the prohibited conduct in which she engaged was comparable in seriousness to misconduct of white employees. *See Cook v. CSX Transp. Corp.*, 988 F.2d 507, 511 (4th Cir. 1993). Furthermore, even if Alexander 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. 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*