

UNPUBLISHED

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

WANDA D. GREEN,
Plaintiff-Appellant,
v.
JOHN E. POTTER, Postmaster General,
Defendant-Appellee.

No. 03-1689

Appeal from the United States District Court
for the Eastern District of Virginia, at Richmond.
James R. Spencer, District Judge.
(CA-02-323-3)

Submitted: October 31, 2003

Decided: November 13, 2003

Before SHEDD and DUNCAN, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Wanda D. Green, Appellant Pro Se. Tara Louise Casey, OFFICE OF
THE UNITED STATES ATTORNEY, Richmond, Virginia; Stephan
James Boardman, UNITED STATES POSTAL SERVICE, Washing-
ton, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Wanda D. Green appeals the order of the district court awarding summary judgment to the Government on her claim of workplace discrimination filed pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e - 2000e-17 (2000). Having considered Green's claims, we affirm.

As an initial matter, Green claims that her counsel provided ineffective assistance. Civil litigants have no protected right to counsel, and as a consequence, any deficiency on counsel's part does not provide a basis for appellate relief. *See, e.g., Glick v. Henderson*, 855 F.2d 536, 541 (8th Cir. 1988); *Sanchez v. United States Postal Serv.*, 785 F.2d 1236, 1237 (5th Cir. 1986). Accordingly, this claim is meritless.

Green also claims that she was not given an opportunity to respond to the Government's motion for summary judgment. The Government's motion was filed on December 10, 2002. The district court did not take action on the motion until April 2, 2003. The nearly four month delay in the district court belies Green's claim, and as such, it shall be denied.

Green's final claim is that the district court erred in its substantive determination that she failed to carry her evidentiary burden under *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973). Our review of the record discloses no effort by Green to show the Government's proffered non-discriminatory basis for not promoting her was pretextual. In the absence of such evidence, and in the absence of any reply to the Government's motion whatsoever, we conclude that the district court did not err.

Accordingly, we affirm the judgment 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