

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1529

DAVID F. LAMBERT, III,

Plaintiff - Appellant,

versus

NATIONAL ASSOCIATION OF CHAIN DRUG STORES,
INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (CA-03-1033-A)

Submitted: January 19, 2005

Decided: February 17, 2005

Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kevin M. Williams, Kristen King-Holland, Herve H. Aitken, AITKEN & ASSOCIATES, L.L.C., Alexandria, Virginia, for Appellant. Deborah P. Kelly, Woody N. Peterson, Whitney M. Pellegrino, DICKSTEIN SHAPIRO MORIN & OSHINSKY, L.L.P., Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David F. Lambert, III, appeals from the district court's order granting summary judgment in favor of his former employer on his claims alleging a hostile work environment and retaliation in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213 (2000).^{*} We have reviewed the record and find that Lambert failed to establish a prima facie case of disability discrimination or retaliation under the ADA, see Fox v. General Motors Corp., 247 F.3d 169 (4th Cir. 2001); Freilich v. Upper Chesapeake Health, Inc., 313 F.3d 205, 216 (4th Cir. 2002). Accordingly, we affirm the award of summary judgment to the Defendant. We deny Lambert's request for 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

^{*}Lambert does not appeal from the portion of the district court's order granting summary judgment to his former employer on his claims under the Age Discrimination in Employment Act (ADEA) or the Employee Retirement Income Security Act (ERISA).