

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-1543

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FRANTZ Y. RICHARD,

Plaintiff - Appellant,

versus

MICHAEL O. LEAVITT, SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Defendant - Appellee.

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Appeal from the United States District Court for the District of  
Maryland, at Greenbelt. Peter J. Messitte, District Judge. (8:05-  
cv-02387-PJM)

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Submitted: June 11, 2007

Decided: August 16, 2007

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Before MICHAEL, GREGORY, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Richard L. Swick, David H. Shapiro, SWICK & SHAPIRO, P.C.,  
Washington, D.C., for Appellant. Rod J. Rosenstein, United States  
Attorney, Kristine L. Sendek-Smith, Assistant United States  
Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frantz Y. Richard appeals the district court order granting summary judgment to Michael O. Leavitt, Secretary of Health and Human Services, denying his motion for discovery under Rule 56(f) of the Federal Rules of Civil Procedure and dismissing his employment discrimination complaint. Richard claims the district court erred by denying his motion for discovery and that it further erred by granting the motion for summary judgment without discovery. Finding no reversible error, we affirm.

We review a district court's refusal to allow a party to engage in discovery prior to the entry of summary judgment for abuse of discretion. See Harrods Ltd. v. Sixty Internet Domain Names, 302 F.3d 214, 244 (4th Cir. 2002). This court will not reverse a denial "unless there is a clear abuse of discretion or, unless there is a real possibility the party was prejudiced by the denial." Ingle v. Yelton, 439 F.3d 191, 195 (4th Cir. 2006) (citation and quotation marks omitted). "As a general rule, summary judgment is appropriate only after adequate time for discovery." Evans v. Techs. Applications & Serv. Co., 80 F.3d 954, 961 (4th Cir. 1996) (citation and quotation marks omitted). Accordingly, "summary judgment [must] be refused where the nonmoving party has not had the opportunity to discover information that is essential to his opposition." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250 n.5 (1986). A denial of a Rule 56(f)

application is disfavored if the motion identifies relevant information and there is some basis for believing the information actually exists. Ingle, 439 F.3d at 196 (citing VISA Int'l Serv. Ass'n v. Bankcard Holders of Am., 784 F.2d 1472, 1475 (9th Cir. 1986)).

Because Richard failed to identify relevant information or demonstrate that information relevant to his claim actually existed, we find the district court did not abuse its discretion denying the motion for discovery. We further find that the district court order granting summary judgment was appropriate.

Accordingly, we affirm the district court's order. 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