

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2283

RONALD DALE MCLELLAND,

Plaintiff - Appellant,

v.

CITY OF NORTH MYRTLE BEACH,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. J. Michelle Childs, District Judge. (4:08-cv-03430-JMC)

Submitted: March 15, 2011

Decided: March 17, 2011

Before MOTZ and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Ronald Dale McLelland, Appellant Pro Se. D.L. Dirk Aydlette, III, Christina M. Summer, GIGNILLIAT, SAVITZ & BETTIS, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald Dale McLelland appeals the district court's order rejecting the recommendation of the magistrate judge and granting Defendant's motion for summary judgment in this age discrimination action. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. McLelland v. City of N. Myrtle Beach, No. 4:08-cv-03430-JMC (D.S.C. Sept. 21, 2010); see Gross v. FBL Fin. Servs., Inc., 129 S. Ct. 2343, 2352 (2009) (holding that, in age discrimination action, plaintiff "must prove, by a preponderance of the evidence, that age was the 'but-for' cause of the challenged adverse employment action"). We deny McLelland's motion to exclude Defendant's informal brief on appeal. 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