

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1770

MELVIN L. CRAWLEY,

Plaintiff - Appellant,

v.

NORFOLK SOUTHERN CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, Senior District Judge. (7:08-cv-00267-JCT)

Argued: May 16, 2012

Decided: June 27, 2012

Before NIEMEYER and KEENAN, Circuit Judges, and Robert J. CONRAD, Jr., Chief United States District Judge for the Western District of North Carolina, sitting by designation.

Affirmed by unpublished per curiam opinion.

ARGUED: Lachlan William Smith, WIGGINS, CHILDS, QUINN & PANTAZIS, PC, Birmingham, Alabama, for Appellant. James Stanton Whitehead, SIDLEY & AUSTIN, LLP, Chicago, Illinois, for Appellee. **ON BRIEF:** Timothy Earl Cupp, CUPP & CUPP, PC, Harrisonburg, Virginia; Robert F. Childs, Jr., WIGGINS, CHILDS, QUINN & PANTAZIS, PC, Birmingham, Alabama, for Appellant. William B. Poff, WOODS, ROGERS & HAZELGROVE, PLC, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melvin Crawley, an African-American executive at Norfolk Southern Corporation, commenced this action against his employer, alleging discrimination and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. and the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981. Crawley's claims arise from Norfolk Southern's disciplining him for the manner in which he handled a Norfolk Southern employee's work-related injury.

On Norfolk Southern's motion for summary judgment, the district court conducted a hearing, after which it issued a thorough opinion, reviewing the record and making conclusions of law. At bottom, the court concluded that Crawley had "not demonstrated evidence from which a reasonable factfinder could find that Norfolk Southern discriminated against him." From the district court's judgment, dated June 20, 2011, Crawley filed this appeal.

After considering Crawley's arguments, as contained in his briefs and as presented at oral argument, and reviewing the record de novo, taking the facts and reasonable inferences to be drawn from them in the light most favorable to him, see Emmett v. Johnson, 532 F.3d 292, 297 (4th Cir. 2008), we affirm for the reasons given by the district court. See Crawley v. Norfolk Southern Corp., Civil Action No. 7:08-cv-00267, 2011 WL 2469875

(W.D. Va. June 20, 2011). While it is doubtful that Crawley established a prima facie case for discriminatory discipline, see Cook v. CSX Transp. Corp., 988 F.2d 507, 511 (4th Cir. 1993), we agree with the district court that the record evidence failed to demonstrate that Norfolk Southern acted by reason of Crawley's race. Accordingly, we affirm the judgment of the district court.

AFFIRMED