

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-2527**

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JOHN R. CLEMENTS,

Plaintiff - Appellant,

versus

MARVIN RUNYON, Postmaster General, United  
States Postal Service,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Claude M. Hilton, District  
Judge. (CA-94-1557-A)

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Submitted: March 29, 1996

Decided: April 16, 1996

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Before ERVIN, HAMILTON, and LUTTIG, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John R. Clements, Appellant Pro Se. Richard Parker, Margaret Ann  
Smith, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia;  
Mary Anne Gibbons, UNITED STATES POSTAL SERVICE, Washington, D.C.,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order granting Defendant's motion for summary judgment on his employment discrimination claims. When the non-moving party bears the burden of proof, summary judgment is appropriate when that party fails to establish, by sworn evidence, an essential element of the case. Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986); Fed. R. Civ. P. 56(c). We have reviewed the record and find that, despite explicit warning, Appellant failed to present any sworn evidence in response to the Defendant's motion for summary judgment. Accordingly, we affirm the district court's grant of summary judgment for the Defendant. 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