

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-1235

CHARLES MILLICAN,

Plaintiff - Appellant,

and

DEDEE MILLICAN,

Plaintiff,

versus

HICKORY SPRINGS MANUFACTURING COMPANY,

Defendant - Appellee,

and

COLLEGIATE DESIGNS, INCORPORATED; LOCKE WHITE;
ROBERT DAMERON,

Defendants.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Chief District Judge. (CA-95-975-R)

Submitted: October 3, 1996

Decided: October 9, 1996

Before ERVIN, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gary M. Bowman, Roanoke, Virginia, for Appellant. W. David Paxton, Melissa Warner Scoggins, K. Brett Marston, GENTRY, LOCKE, RAKES & MOORE, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Millican appeals the district court's decision granting summary judgment for Hickory Springs Manufacturing Company (Hickory) in Millican's retaliation action, 42 U.S.C. § 2000e-3(a) (1994). Hickory claimed Millican's failure to timely file a claim with the Equal Employment Opportunity Commission (EEOC) barred his action, and the district court agreed. Finding no error, we affirm.

To maintain a Title VII retaliation action, a claimant must establish that he filed a claim with the EEOC within 180 days of the alleged discriminatory act. 42 U.S.C. § 2000e-5(e)(1). Here, Millican filed an EEOC complaint on December 20, 1994, in which he attested that the last act of retaliation occurred on May 1, 1994. Because more than 180 days elapsed between the final act of retaliation and the filing of the EEOC complaint, Millican may not maintain this action.

Accordingly, we affirm the district court's decision. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

AFFIRMED