

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

RANDY WILLIAMS,

Plaintiff-Appellant,

v.

EAST COAST TRUCK LINES,

Defendant-Appellee,

No. 98-1903

and

NEAL C. MILLER, President, East

Coast Truck Lines,

Defendant.

Appeal from the United States District Court
for the District of South Carolina, at Florence.

Cameron McGowan Currie, District Judge.

(CA-96-3526-4-22)

Submitted: June 15, 1999

Decided: July 19, 1999

Before WIDENER, ERVIN, and MICHAEL,

Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

John A. Gaines, Sr., Florence, South Carolina, for Appellant. Timothy
G. Quinn, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Randy Williams appeals from the judgment of the district court giving effect to a jury verdict denying relief on his claims of employment discrimination on account of race, brought under 42 U.S.C. § 2000e-2 (1994). Williams argues that the district court erred in disallowing the testimony of a black former East Coast employee regarding that witness's experience of racial discrimination at East Coast. Williams asserts that the testimony would have been evidence of a pattern or practice of discrimination. However, such anecdotal testimony would not have been adequate to constitute pattern or practice evidence. See Lowery v. Circuit City Stores, Inc., 158 F.3d 742, 759-62 (4th Cir. 1998), petition for cert. filed, 67 U.S.L.W. 3409 (U.S. Dec. 14, 1998) (No. 98-972). Therefore, the district court did not err in excluding it.

Williams also argues that the district court abused its discretion by not declaring a fifteen minute recess or breaking for lunch so that Williams could attempt to locate a missing witness who had not been subpoenaed. The record reflects that Williams never specifically requested a recess. We find that the district court did not abuse its discretion in proceeding as it did. See Morris v. Slappy, 461 U.S. 1, 11-12 (1983); United States v. Colon, 975 F.2d 128, 130 (4th Cir. 1992).

Accordingly, we affirm the judgment of the district court. We grant Appellee's motion to waive 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