

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1700

ROBERT J. MCCARTY,

Plaintiff - Appellant,

versus

RICHARD DANZIG, Secretary of the Navy,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CA-98-369-A)

Submitted: July 30, 1999

Decided: September 13, 1999

Before NIEMEYER and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Robert J. McCarty, Appellant Pro Se. Jeri Kaylene Somers, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia; Major Joe Delbert Baker, II, DEPARTMENT OF THE NAVY, Arlington, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert J. McCarty has noticed an appeal from a final judgment of the district court dismissing various employment discrimination claims against his employer. In an earlier appeal from that final judgment, McCarty had challenged only a pre-trial order dismissing some of the claims by partial summary judgment. We considered and rejected that challenge on the merits. See McCarty v. Danzig, No. 99-1137 (Apr. 20, 1999) (unpublished). On the present appeal, McCarty seeks to raise the same challenges earlier rejected and new ones involving the dismissal of other claims following trial. We decline to consider either set. See Omni Outdoor Adver., Inc. v. Columbia Outdoor Adver., Inc., 974 F.2d 502, 505 (4th Cir. 1992) (issues not raised on first appeal will be considered waived and cannot be raised in a subsequent appeal); Meekins v. United Transp Union, 946 F.2d 1054, 1057 (4th Cir. 1991) (relitigation of claim previously rejected by final judgment on merits precluded).

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.

DISMISSED