

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-2158

MALIQ CULBREATH,

Plaintiff - Appellant,

versus

PNEUMAFIL,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CA-98-251-3-MU)

Submitted: March 7, 2000

Decided: March 24, 2000

Before LUTTIG and KING, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Maliq Culbreath, Appellant Pro Se. Richard Allen Vinroot, Frank Hilton Lancaster, ROBINSON, BRADSHAW & HINSON, P.A., Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Maliq Culbreath appeals the district court's order granting Defendant's motion for summary judgment in his employment discrimination action. We have reviewed the record and find that Culbreath fails to establish that Defendant's legitimate, non-discriminatory reasons for denying Culbreath a promotion were pretextual. See St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502, 507-08 (1993). Furthermore, Culbreath fails to demonstrate that he engaged in a protected activity on which his retaliatory discharge claim may be based. See 42 U.S.C. § 2000e-3(a) (1994); Causey v. Balog, 162 F.3d 795, 803 (4th Cir. 1998). Accordingly, we affirm the district court's entry 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