

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

DEBBIE EVELYN PARKS,
Plaintiff-Appellant,

v.

STUART SIMS, Secretary; DIVISION OF
CORRECTION, Department of Public
Safety and Correctional Services,
Defendants-Appellees.

No. 00-1464

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Frederic N. Smalkin, District Judge.
(CA-98-278-S)

Submitted: October 26, 2000

Decided: November 3, 2000

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Doris Green Walker, Glen Burnie, Maryland, for Appellant. J. Joseph Curran, Jr., Attorney General, Alan D. Eason, Assistant Attorney General, Karl A. Pothier, Assistant Attorney General, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Debbie Evelyn Parks appeals from the district court's order granting summary judgment in favor of her employer, Maryland Department of Corrections ("MDOC"), and dismissing her employment discrimination action alleging violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. § 2000e (West 1994), and Maryland common law. Parks limits her appeal to claimed gender discrimination, disparate treatment, hostile work environment, and retaliation.

Our review of the record and the district court's opinion discloses that this appeal is without merit. We find that Parks failed to establish a prima facie case of discrimination. See *O'Connor v. Consolidated Coin Caterers Corp.*, 517 U.S. 308, 312-13 (1996); see also *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973); *Lawrence v. Mars, Inc.*, 955 F.2d 902, 905-06 (4th Cir. 1992). Specifically, we find no genuine issue of material fact contrary to the district court's conclusion that the discipline Parks received for violations of applicable rules of procedure was no more severe than that imposed upon other correctional officers outside her protected class for comparable offenses.

We agree with the district court that Parks failed to establish a disparate treatment claim, given that the actions Parks claims were actionable did not adversely change the essential terms, conditions, or benefits of her employment. See e.g., *Munday v. Waste Management of N. Am., Inc.*, 126 F.3d 239, 243 (4th Cir. 1997). Similarly, Parks' allegations of hostile work environment fail because, as the district court held, the conduct of which she complained was not so extreme, severe, or pervasive so as to amount to a change in the terms and conditions of her employment, but rather constituted non-actionable ordinary adversities of the workplace. See *Faragher v. City of Boca*

Raton, 524 U.S. 775, 788 (1998). Again because she failed to demonstrate an actionable adverse employment action, we find that the district court properly dismissed Parks' retaliation claim. See *Tinsley v. First Union Nat'l Bank*, 155 F.3d 435, 442 (4th Cir. 1998) (applying *McDonnell Douglas* scheme to retaliation claims).

Finally, we find that even assuming, *arguendo*, that Parks established a prima facie case of employment discrimination, she failed to rebut the legitimate, nondiscriminatory reasons MDOC proffered to support its decisions regarding her discipline and employment. See *Texas Dep't of Community Affairs v. Burdine*, 450 U.S. 248, 254-56 (1981); *Conkwright v. Westinghouse Elec. Corp.*, 933 F.2d 231, 234-35 (4th Cir. 1991). Accordingly, we cannot say that the district court's finding of non-discrimination was clearly erroneous. See *Anderson v. City of Bessemer*, 470 U.S. 564, 574 (1985).

We therefore affirm the district court's grant of summary judgment in favor of MDOC. 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