

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

EICKY B. WOODSON, JR.,
Plaintiff-Appellant,

v.

HERSHEY CHOCOLATE OF VIRGINIA,
INCORPORATED,
Defendant-Appellee.

No. 01-1642

Appeal from the United States District Court
for the Western District of Virginia, at Charlottesville.
Norman K. Moon, District Judge.
(CA-99-076)

Submitted: December 20, 2001

Decided: January 2, 2002

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Eicky B. Woodson, Appellant Pro Se. Michael Eugene Derdeyn,
MCGUIREWOODS, L.L.P., Charlottesville, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Eicky B. Woodson appeals the district court's order granting summary judgment to Hershey Chocolate of Virginia in his employment discrimination action. We review the district court's grant of summary judgment de novo. *See Mitchell v. Data General Corp.*, 12 F.3d 1310, 1313 (4th Cir. 1993).

Woodson first contends the district court erred in denying his Fed. R. Civ. P. 56(f) motion to extend the time for discovery. The district court's denial of a Rule 56(f) motion is subject to review for abuse of discretion. *Gasner v. Board of Supervisors*, 103 F.3d 351, 362 (4th Cir. 1996). A review of the record shows ample opportunity for discovery between August 1999, when Woodson filed his complaint, and December 2000, when Hershey Chocolate moved for summary judgment. *See Lone Star Steakhouse & Saloon, Inc. v. Alpha of Virginia, Inc.*, 43 F.3d 922, 929 (4th Cir. 1995). The district court did not abuse its discretion in denying Woodson's Rule 56(f) motion.

Woodson further contends the district court erred in granting summary judgment because Woodson did not state a prima facie case of racial discrimination as a result of his discharge for fighting. *See Cook v. CSX Transportation Corp.*, 988 F.2d 507, 511 (4th Cir. 1993). Woodson did not establish that any other employee who engaged in a physical altercation was disciplined less severely than he. *Id.*

Accordingly, we affirm the judgment of the district court. 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