

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1272**

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MICHAEL A. MASON,

Plaintiff - Appellant,

versus

HOME DEPOT U.S.A., INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Richard D. Bennett, District Judge. (CA-02-3667-RDB)

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Submitted: August 11, 2004

Decided: September 7, 2004

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Before MICHAEL, KING, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael A. Mason, Appellant Pro Se. Donald R. Livingston, Richard W. Black, Reed Lock Russell, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., Washington, D.C., for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael A. Mason appeals the district court's grant of summary judgment for Home Depot on his racial discrimination and retaliation based action. We affirm.

We review a grant of summary judgment de novo. Higgins v. E.I. DuPont de Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988). Summary judgment is appropriate only if there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 324-25 (1986). We must view the factual evidence, and all justifiable inferences drawn therefrom, in the light most favorable to the non-moving party. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986).

We conclude that viewing the evidence in the light most favorable to Mason, Home Depot is entitled to summary judgment as a matter of law. Accordingly, we affirm based on the reasoning of the district court. See Mason v. Home Depot USA, Inc., No. CA-02-3667-RDB (D. Md. Feb. 11, 2004). 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