

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1838

DEAN ERIC PALMER,

Plaintiff - Appellant,

v.

E.F. THOMPSON, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Tommy E. Miller, Magistrate Judge. (2:10-cv-00051-TEM)

Submitted: March 31, 2010

Decided: April 7, 2011

Before WILKINSON, DUNCAN, and DAVIS, Circuit Judges.

Affirmed in part; vacated and remanded in part by unpublished per curiam opinion.

Dean Eric Palmer, Appellant Pro Se. Eric Blaine Martin, MCGUIRE, WOODS, LLP, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dean Eric Palmer appeals the district court's order dismissing this employment discrimination action for failure to state a claim. With respect to Palmer's claim of race discrimination under Title VII of the Civil Rights Act of 1964, as amended, we conclude that Palmer set forth facts sufficient to state a prima facie claim of discriminatory discharge. See Miles v. Dell, Inc., 429 F.3d 480, 486-87 & n.3 (4th Cir. 2004). We, of course, offer no opinion on whether plaintiff presents any issue of triable fact. We accordingly vacate that portion of the district court's order related to the Title VII claim and remand for further proceedings.

With respect to the claim of a violation of the American's with Disabilities Act, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Palmer v. E.F. Thompson, Inc., No. 2:10-cv-00051-TEM (E.D. Va. June 23, 2010).

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 IN PART;
VACATED AND REMANDED IN PART