

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1114

MOHAMMED S. QURAIISHI,

Plaintiff - Appellant,

versus

DONNA E. SHALALA, SECRETARY, UNITED STATES DE-
PARTMENT OF HEALTH AND HUMAN SERVICES,

Defendant - Appellee.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CA-
96-1703-PJM)

Submitted: May 25, 1999

Decided: June 1, 1999

Before ERVIN, WILKINS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mohammed S. Quraishi, Appellant Pro Se. Lynne Ann Battaglia, United
States Attorney, Allen F. Loucks, OFFICE OF THE UNITED STATES
ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mohammed S. Quraishi filed a complaint alleging employment discrimination in his non-selection for positions at the National Institute of Allergy and Infectious Diseases, an institute of the National Institutes of Health. The district court conducted a hearing and granted summary judgment in Appellee's favor for the reasons stated from the bench. Quraishi appeals from the court's order. We have reviewed the record and the district court's statements from the bench. The court properly found that, even if Quraishi could make a prima facie showing of discrimination in his non-selection for the position of Supervisory Health Scientist Administrator, Appellee showed that the successful applicant was selected based on legitimate criteria and that Quraishi failed to show that the reasons given by Appellee were pretextual. See St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502, 507-08 (1993). We also find that the district court did not abuse its discretion by granting summary judgment before Quraishi conducted discovery. Accordingly, we affirm on the reasoning of the district court. See Quraishi v. Shalala, No. CA-96-1703-PJM (D. Md. Dec. 21, 1998). 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