

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

JULIA M. BARR,
Plaintiff-Appellant.

v.

ANTHONY P. BARRILL, Individually
and as Sheriff of Monongalia

No. 99-1823

County, West Virginia; COUNTY
COMMISSION OF MONONGALIA
COUNTY, WEST VIRGINIA, a
corporation,
Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of West Virginia, at Clarksburg.
Irene M. Keeley, District Judge.
(CA-98-107-1)

Submitted: October 8, 1999

Decided: October 21, 1999

Before MURNAGHAN, HAMILTON, and WILLIAMS,
Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Gregory Michael, Fairmont, West Virginia, for Appellant. Richard M.
Yurko, Jr., STEPTOE & JOHNSON, Clarksburg, West Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Julia M. Barr appeals the district court judgment granting summary judgment to Anthony P. Barrill, Sheriff of Monongalia County, West Virginia and the County Commission of Monongalia County. On appeal, Barr claims that she was discharged from her position as a secretary with the Sheriff's Department for patronage reasons. She further claims that the district court erred in accepting the Chief Deputy's affidavit claiming that the secretarial position, as restructured under the new administration, was privy to policy-making and confidential information. Finding no reversible error, we affirm.

We review a district court's decision to grant summary judgment de novo. See Higgins v. E.I. DuPont de Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988). Summary judgment is appropriate only "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact." See Fed. R. Civ. P. 56; Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986).

We assume that Barr demonstrated that she was terminated from her secretarial position because of her support for Barrill's opponent in the Democratic primary. Nonetheless, Barr failed to refute the Appellees' evidence that the secretarial position, as restructured, related to political interests and was privy to confidential information. See Jenkins v. Medford, 119 F.3d 1156, 1162 (4th Cir. 1997) (en banc).

Accordingly, we affirm on the reasoning of the district court. See Barr v. Barrill, No. CA-98-107-1 (N.D.W. Va. May 20, 1999). We dispense with oral argument because the facts and legal conclusions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED