

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1024

CARLTON L. MOSES,

Plaintiff - Appellant,

versus

YOKOHAMA TIRE CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, Senior District Judge. (CA-01-135)

Submitted: September 29, 2004

Decided: October 8, 2004

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Terry N. Grimes, TERRY N. GRIMES, P.C., Roanoke, Virginia, for Appellant. Bayard Easter Harris, Thomas M. Winn, III, Daniel C. Summerlin, WOODS ROGERS, P.L.C., Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carlton L. Moses appeals the district court's order granting summary judgment to his employer, Yokohama Tire Corporation, in this discrimination and retaliation action filed pursuant to the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 621 (2000). We affirm.

This court reviews a district court's 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 properly granted when there are no genuine issues of material fact and when the record taken as a whole could not lead a rational trier of fact to find for the non-moving party. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 251-52 (1986). In determining whether summary judgment is appropriate, the facts are viewed in the light most favorable to the non-moving party. Id. at 255; Smith v. Va. Commonwealth Univ., 84 F.3d 672, 675 (4th Cir. 1996).

We have reviewed the parties' briefs, the joint appendix, and the district court's opinion, and find no reversible error. Accordingly, we affirm the judgment of the district court. See Moses v. Yokohama Tire Corp., No. CA-01-135 (W.D. Va. filed Dec. 9, 2003; entered Dec. 10, 2003). 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