

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-2518WM

Gerald Street,

Appellant,

v.

Kraft Foods, Inc.,

Appellee.

*

* On Appeal from the United
* States District Court
* for the Western District
* of Missouri.

*

* [Not To Be Published]

*

*

Submitted: February 18, 2000

Filed: May 30, 2000

Before RICHARD S. ARNOLD, LOKEN, and HANSEN, Circuit Judges.

PER CURIAM.

This action was brought under the Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601, *et seq.* The District Court¹ granted summary judgment for the defendant, and the plaintiff appeals. We affirm.

In our view, the case is not of sufficient precedential significance to warrant an extended opinion. Plaintiff's theory is that he was discharged by defendant in

¹The Hon. Russell G. Clark, United States District Judge for the Western District of Missouri.

retaliation for the exercise of rights under the FMLA. In response, defendant asserted, and filed affidavits to support the assertion, that plaintiff in fact was terminated because he failed to make a scheduled driving run, because he had lied to a supervisor, and because he had falsified logs or trip sheets, or both. Plaintiff has failed to produce substantial evidence that the defendant's proffered reasons are pretextual. Plaintiff's submissions do not directly contest the reasons set up by defendant. After reading the briefs and hearing oral argument, we are not convinced that there was any error in the conclusion reached by the District Court. Accordingly, the judgment is

Affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.