

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

No. 99-3513

Sou Thao, individually;

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Plaintiff,

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Chanhia S. Yang, individually,

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Plaintiff - Appellant,

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Appeal from the United States
District Court for the
District of Minnesota.

v.

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Caterair International Corporation, a
Delaware corporation qualified to do
business in the State of Minnesota,

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[UNPUBLISHED]

Defendant - Appellee.

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Submitted: January 23, 2001

Filed: January 26, 2001

Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Chanhia Yang, a male of Hmong ancestry and a native of Laos, appeals the district court's¹ grant of summary judgment to his former employer, Caterair International (Caterair), in his action alleging race and age discrimination in violation of the Minnesota Human Rights Act and 42 U.S.C. § 1981. Upon de novo review of the record, see Hill v. St. Louis Univ., 123 F.3d 1114, 1118-19 (8th Cir. 1997), and consideration of the parties' arguments on appeal, we agree with the district court--for the reasons expressed in its thorough report--that Yang failed to demonstrate age or race was a factor in Caterair's decision to terminate him during a reduction in force caused by a downturn in the company's business.

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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

¹The Honorable Raymond L. Erickson, United States Magistrate Judge for the District of Minnesota, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).