

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2152

Abe Brian Evans,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Eastern District of Missouri.
Siegel-Robert, Inc., doing business as	*	
Plastene Supply Company,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: December 5, 2001
Filed: December 10, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

Abe Brian Evans, a former maintenance employee of Siegel-Robert's Plastene Supply Company division, appeals the district court's¹ adverse grant of summary judgment in his race discrimination action brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and the Missouri Human Rights Act. Following de novo review of the record, see Whitley v. Peer Review Sys., Inc., 221 F.3d 1053, 1055 (8th Cir. 2000), we affirm.

¹The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

Human Resources Manager Barry Little called Evans--who monitored Plastene's critical water supply during his shift--to his office on April 16, shortly after an incident involving the water supply. Although Evans maintained he had timely and correctly read the water gauges, Little decided to terminate Evans after the incident based on Evans's readings, which Little believed to be falsified; on the recommendation of Evans's supervisor, Gary Mercer; and on three previous warnings Evans had received concerning job performance. Although Evans asserts that genuine issues of material fact exist regarding his prior disciplinary record and the April 16 events, he did not meet his burden of producing evidence from which a jury could find that Siegel-Robert's proffered reason for his termination was pretextual. See Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986).

Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

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