

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2725

Jessie Samuel Rufus Benford,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the
v.	*	Eastern District of Missouri.
	*	
Home Depot U.S.A., Inc.,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: January 23, 2003
Filed: January 28, 2003

Before **BYE**, **FAGG**, and **RILEY**, Circuit Judges.

PER CURIAM.

Jessie Benford appeals from the district court's¹ order granting judgment as a matter of law (JAML) in his employment discrimination action. Having reviewed de novo the record and the parties' briefs, we agree with the district court's bases for granting JAML to Home Depot. See Arabian Agric. Servs. Co. v. Chief Indus., Inc., 309 F.3d 479, 482 (8th Cir. 2002) (de novo review of JAML; JAML should not be

¹The Honorable Frederick R. Buckles, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

granted unless party has been fully heard on issue and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue).

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

A true copy.

Attest:

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