

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3941

Neil Lewis,

Appellant,

v.

Roberts Dairy Company, LLC,

Appellee.

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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* [UNPUBLISHED]
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Submitted: June 18, 2004

Filed: July 26, 2004

Before SMITH, BEAM, and COLLOTON, Circuit Judges.

PER CURIAM.

After his termination from employment with the Roberts Dairy Company ("Roberts"), Neil Lewis brought a claim of age and disability discrimination against his former employer. Lewis's discrimination claims were submitted to the district court¹ on the record that existed after a jury trial in which the jury failed to reach a verdict on the merits of his case. The district court concluded that Lewis's termination was based on a legitimate business reason and entered judgment in favor of Roberts.

¹ The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

The district court also found that Lewis failed to establish that he was disabled and that Lewis's termination was not based on his age.

Lewis claims that the district court's factual findings were clearly erroneous and urges this court to overturn the district court's dismissal of his discrimination claims. Having carefully reviewed the record, we find no error in the trial court's disposition of this matter. Therefore, the judgment is affirmed. *See* 8th Cir. R. 47B.
