

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2068

Latwon Whitby,

Appellant,

v.

United Parcel Service, Inc.,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: January 19, 2005

Filed: January 26, 2005

Before BYE, RILEY, and COLLOTON, Circuit Judges.

PER CURIAM.

Latwon Whitby appeals the district court's¹ adverse grant of summary judgment in his Title VII action. Whitby sued United Parcel Service, Inc., for constructive discharge based on his African American race.

Having carefully reviewed the record and considered the arguments Whitby raises on appeal, we agree with the district court that the evidence of the working conditions upon which Whitby based his lawsuit does not support a race-based

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas.

constructive-discharge claim. See Jacob-Mua v. Veneman, 289 F.3d 517, 520 (8th Cir. 2002) (summary judgment standard of review); Breeding v. Arthur J. Gallagher & Co., 164 F.3d 1151, 1159 (8th Cir. 1999) (discussing constructive discharge). Accordingly, we affirm. See 8th Cir. R. 47B.
