

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

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No. 05-2633

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George Spann,

Appellant,

v.

Arkansas Department of Finance and  
Administration,

Appellee.

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

[UNPUBLISHED]

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Submitted: June 14, 2006

Filed: June 19, 2006

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Before MELLOY, FAGG, and BENTON, Circuit Judges.

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PER CURIAM.

George Spann appeals the district court's<sup>1</sup> adverse grant of summary judgment in his Title VII employment-discrimination suit against his former employer, Arkansas Department of Finance and Administration (AFDA). Having carefully reviewed the record, *see Kincaid v. City of Omaha*, 378 F.3d 799, 803-04 (8th Cir. 2004) (de novo standard of review), we agree with the district court that Spann failed to establish that AFDA's proffered legitimate, nondiscriminatory reason for the adverse actions taken

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<sup>1</sup>The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas.

against Spann--continued performance deficiencies--were pretextual. *See Gilooly v. Mo. Dep't of Health & Senior Servs.*, 421 F.3d 734, 739 (8th Cir. 2005) (burden-shifting analysis). Accordingly, we affirm. *See* 8th Cir. R. 47B.

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