

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3171

Albert J. Davis,

Appellant,

v.

Francis J. Harvey, Secretary of the
Army,

Appellee.

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

[UNPUBLISHED]

Submitted: September 5, 2006
Filed: September 12, 2006

Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Albert Davis appeals the district court's¹ adverse grant of summary judgment in his employment-discrimination action against his employer, the Department of the Army (DOA). Having carefully considered each of Davis's arguments on appeal, see Kasper v. Federated Mut. Ins. Co., 425 F.3d 496, 502 (8th Cir. 2005) (de novo standard of review), we agree with the district court that Davis failed to establish that the DOA's proffered legitimate, nondiscriminatory reason for its decision not to

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

promote him--that the hiree received a higher interview score and possessed better skills for the job--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.
