

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-3670

Marco Medina-Salas,

Appellant,

v.

Tyson Fresh Meats, Inc.,

Appellee.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: April 29, 2008

Filed: May 7, 2008

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Marco Medina-Salas appeals the district court's¹ adverse grant of summary judgment on his claims brought under the Age Discrimination in Employment Act, Title VII, the Family Medical Leave Act, and 42 U.S.C. § 1981. He also challenges the court's dismissal without prejudice of his state-law claim and argues that his counsel below was ineffective.

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

After reviewing the record de novo, viewing the evidence and all reasonable inferences from it in a light most favorable to Medina-Salas, see Jacob-Mua v. Veneman, 289 F.3d 517, 520 (8th Cir. 2002) (standard of review), we conclude that summary judgment was proper for the reasons stated by the district court. We also conclude that the court did not abuse its discretion in declining to exercise jurisdiction under 28 U.S.C. § 1367 over Medina-Salas's state-law claim, see Johnson v. City of Shorewood, Minn., 360 F.3d 810, 819 (8th Cir. 2004) (district court has discretion to decline supplemental jurisdiction where it has dismissed all original-jurisdiction claims; generally, when court eliminates all federal-law claims before trial, balance of factors to be considered under § 1367 will point toward declining to exercise jurisdiction over remaining state-law claims), and that Medina-Salas's assertion of ineffective assistance of counsel is not cognizable, see Glick v. Henderson, 855 F.2d 536, 541 (8th Cir. 1988) (there is no statutory or constitutional right to effect assistance of counsel in civil case).

Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B. Medina-Salas's motion to supplement his appellate brief is denied.
