

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

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No. 10-1940

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Alverne C. Bush,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the
v.	*	Western District of Missouri.
	*	
L-3 Communications/Titan Group,	*	[UNPUBLISHED]
	*	
Appellee.	*	

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Submitted: November 25, 2010  
Filed: December 13, 2010

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Before LOKEN, MURPHY, and BENTON, Circuit Judges.

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PER CURIAM.

Alverne Bush appeals following the district court's<sup>1</sup> adverse grant of summary judgment in her employment discrimination action. After careful de novo review, *see Murphy v. Mo. Dep't of Corr.*, 372 F.3d 979, 982 (8th Cir. 2004), we conclude that summary judgment was properly granted. Even assuming Bush made a prima facie case of discrimination on any of the bases asserted in her complaint, she failed to create a jury issue on whether her unsatisfactory job performance – the reason given for her termination – was a pretext for unlawful discrimination. *See Richmond v. Bd.*

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<sup>1</sup>The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.

*of Regents of the Univ. of Minn.*, 957 F.2d 595, 598 (8th Cir. 1992). Summary judgment also was proper on Bush's claim under the Family and Medical Leave Act, because she did not provide the required notice to her employer. *See Woods v. DaimlerChrysler Corp.*, 409 F.3d 984, 991 (8th Cir. 2005).

Accordingly, we affirm the judgment of the district court, *see* 8th Cir. R. 47B, and deny Bush's pending motion for appointment of counsel.

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