

United States Court of Appeals  
For the Eighth Circuit

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No. 13-2294

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James B. McCray

*Plaintiff - Appellant*

v.

Eric K. Shinseki, Secretary Department of Veterans Affairs Agency, in his official capacity

*Defendant - Appellee*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: April 2, 2014

Filed: April 7, 2014

[Unpublished]

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Before WOLLMAN, BOWMAN, and KELLY, Circuit Judges.

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PER CURIAM.

James McCray appeals the district court's<sup>1</sup> adverse grant of summary judgment in his employment action, in which he claimed that defendant terminated him in

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<sup>1</sup>The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

retaliation for engaging in protected activity, in violation of Title VII. After careful de novo review, see Olsen v. Capital Region Med. Ctr., 713 F.3d 1149, 1153 (8th Cir. 2013) (standard of review), we conclude that summary judgment was proper, because defendant presented evidence of a legitimate, non-retaliatory reason for terminating the employment of McCray, a probationary employee, and McCray failed to demonstrate that a genuine issue of fact existed on whether the stated reason was a pretext for illegal retaliation.

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

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