

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-2977

Neil L. Griswold,
Appellant,

v.

New Madrid County Group Practice,
Inc., also known as Southeast
Appeal from the United States
Missouri Health Network,
District Court for the
Eastern District of Missouri.
Appellee,

[UNPUBLISHED]

Jimmy Cravens; Ralph Barnwell, Jr.;
Dianne Compton; Bill Glaus; Mike
Barnes, Dr.; Roseann Whittemore;
Tracye Harris; Angel Castro; Murray
Wallace; Ben Petit; Linda Marroquin,
Defendants.

Submitted: February 27, 1998
Filed: March 2, 1998

Before WOLLMAN, LOKEN, and HANSEN, Circuit Judges.

PER CURIAM.

Neil Griswold sued New Madrid County Group Practice, Inc. (Group Practice), claiming that it refused to renew his employment contract in violation of the Age

Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq., 42 U.S.C. § 1983, and the state constitution. Group Practice moved for summary judgment, arguing that Griswold failed to state a constitutional violation, and that--assuming Griswold had made a prima facie case of discrimination--his failure to obtain admitting privileges at the local hospital constituted a legitimate nondiscriminatory reason for nonrenewal, which Griswold could not demonstrate was pretextual. The district court¹ granted summary judgment, holding that Group Practice was not a state actor under section 1983, and that Griswold failed to provide any evidence to rebut Group Practice's legitimate nondiscriminatory reason for nonrenewal of his contract. Griswold appeals, arguing only that the district court should have granted him a continuance to engage in discovery.

After careful review of the parties' briefs and appendix, we conclude that the district court did not abuse its discretion by ruling on the summary judgment motion without granting Griswold a continuance for discovery: although Griswold filed an affidavit attesting that he needed to engage in discovery to prove pretext, he did not identify what discovery was necessary or what facts he hoped to discover. See Dulany v. Carnahan, 132 F.3d 1234, 1238-39 (8th Cir. 1997). Accordingly, we affirm.

A true copy.

¹The HONORABLE E. RICHARD WEBBER, United States District Judge for the Eastern District of Missouri.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.