

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3045

Frank Mahan,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Western District of Arkansas.
International Paper Company,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: February 10, 1998

Filed: March 5, 1998

Before McMILLIAN, WOLLMAN, and LOKEN, Circuit Judges.

PER CURIAM.

Frank Mahan appeals from the district court's¹ grant of summary judgment in favor of his former employer, International Paper Company, in his action brought under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621 *et seq.* (1994). Having carefully reviewed the record and the parties' submissions on appeal, we agree with the district court that Mahan has presented no evidence indicating that age was a factor in the decision to terminate him, or that International Paper's proffered reason

¹The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

for its decision not to rehire him was pretextual. See Herrero v. St. Louis Univ. Hosp., 109 F.3d 481, 483-84 (8th Cir. 1997) (detailing prima facie case within reduction-in-force context); Ryther v. KARE 11, 108 F.3d 832, 836-38 (8th Cir.) (en banc), cert. denied, 117 S. Ct. 2510 (1997) (detailing classic burden-shifting framework). Summary judgment was therefore properly entered and Mahan's motion for reconsideration properly denied. Because an extended opinion would have no precedential value, we affirm without further discussion. See 8th Cir. R. 47B.

The judgment is affirmed.²

A true copy.

Attest:

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

²The parties' joint motion to strike certain portions of the Joint Appendix is granted.