

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-4262EM

Herman Smith, Jr., *

Appellant,

v.

Trans World Airlines, Inc.,

Appellee.

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Appeal from the United States
District Court for the Eastern
District of Missouri.

[UNPUBLISHED]

Submitted: November 20, 1998

Filed: November 27, 1998

Before RICHARD S. ARNOLD, FAGG, and HALL,* Circuit Judges.

PER CURIAM.

Herman Smith, Jr. appeals the district court's grant of summary judgment to Trans World Airlines, Inc. (TWA) on Smith's race discrimination claim. Having reviewed the record and the parties' briefs, we conclude Smith is not entitled to relief. Assuming for the purpose of our review that Smith established the elements of a prima facie case, we agree with the district court's analysis that there is no substantial evidence in the record tending to show that TWA's decision to demote Smith from

*The Honorable Cynthia Holcomb Hall, United States Circuit Judge for the Ninth Circuit, sitting by designation.

flight line shift manager to his former position as aircraft maintenance supervisor was a pretext for race discrimination. We thus conclude the district court correctly granted summary judgment, and we affirm without further discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

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