

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-1764

James A. Marcucci,

Appellant,

v.

City of Virginia, Minnesota;
Commission of the Department of
Public Utilities of the City of
Virginia, Minnesota,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: April 5, 1999

Filed: April 20, 1999

Before RICHARD S. ARNOLD, WOLLMAN, and BEAM, Circuit Judges.

PER CURIAM.

James Marcucci appeals from the district court's¹ grant of summary judgment to his employer, the Department of Public Utilities for the City of Virginia, Minnesota (PUC), in this failure-to-promote employment discrimination action under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621-634. Upon de novo

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

review, see Lynn v. Deaconess Med. Ctr.-West Campus, 160 F.3d 484, 486 (8th Cir. 1998), we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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