

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 98-2981

Kevin M. Fitzgerald,

Appellant,

v.

United Parcel Service, an Ohio
corporation; Todd Markuson,

Appellees.

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Appeal from the United States
District Court for the District
of Minnesota.

[UNPUBLISHED]

Submitted: May 12, 1999

Filed: May 20, 1999

Before McMILLIAN, HEANEY, and FAGG, Circuit Judges.

PER CURIAM.

Kevin M. Fitzgerald appeals the district court's adverse grant of summary judgment in Fitzgerald's employment-based retaliation case brought under Title VII and the Minnesota Human Rights Act. In rejecting Fitzgerald's claims, the district court concluded that Fitzgerald was not a member of a protected class, that he was not constructively discharged, and that he failed to establish retaliation. Having reviewed the record and the materials submitted by the parties, we see no error by the district court. We also conclude that an extended discussion is unnecessary in this fact-

intensive case. We believe the district court is correct and we affirm on the basis of the district court's memorandum opinion and order. See 8th Cir. R. 47B.

A true copy.

Attest:

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