

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 05a0527n.06

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No. 04-1491

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

TROY EASTERLING,)	
)	
Plaintiff-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
AUTO ZONE, INC.; BRIAN CHURCH,)	EASTERN DISTRICT OF MICHIGAN
)	
Defendants-Appellees.)	

Before: MOORE and COOK, Circuit Judges; GWIN, District Judge.*

PER CURIAM. Troy Easterling appeals the district court's grant of summary judgment in favor of Defendants, AutoZone and Brian Church, on his claims of race discrimination and retaliation under 42 U.S.C. § 1981 and Michigan law. We find no error in the district court's decision on the appealed issues and determine that no jurisprudential purpose would be served by a panel opinion. Accordingly, we affirm the district court for the reasons stated in that court's opinion.

*The Honorable James S. Gwin, United States District Judge for the Northern District of Ohio, sitting by designation.

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KAREN NELSON MOORE, Circuit Judge, concurring. I believe that Mr. Easterling did establish a prima facie case of racial discrimination under 42 U.S.C. § 1981. However, he failed to establish that Auto Zone's asserted reason for his discharge was pretextual. Therefore, I concur in the judgment of the court.