

NOT RECOMMENDED FOR PUBLICATION

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No. 08-3308

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DAVID D. MYERS,

Plaintiff-Appellant,

v.

On Appeal from the United States
District Court for the Northern
District of Ohio

HURON COUNTY, OHIO; JOSEPH B.
KOVACH; CARL ESSEX, Individually and in
their official capacities as agents, officers,
and/or employees of the County of Huron,
Ohio,

Defendants-Appellees.

_____ /

BEFORE: RYAN, SILER, and GRIFFIN, Circuit Judges.

RYAN, Circuit Judge. David D. Myers appeals from a district court's order granting summary judgment in favor of the defendants. We affirm.

I.

The parties are familiar with the facts and, therefore, they need not be recounted at length in this unpublished opinion. It is sufficient to note that the Huron County Engineer's Office terminated Myers's employment for sexually harassing a female coworker. Myers subsequently brought a 42 U.S.C. § 1983 action against the defendants, claiming they discriminated against him by firing him in retaliation for exercising his First Amendment free speech rights, and also violated his rights under various state laws. The district court, which refused to consider a belatedly filed affidavit raising new allegations, granted

summary judgment in favor of the defendants, holding that Myers's federal claims lacked merit as a matter of law and declining to exercise supplemental jurisdiction over his state law claims.

II.

We review a district court's grant of summary judgment de novo, International Union v. Cummings, Inc., 434 F.3d 478, 483 (6th Cir. 2006), and its refusal to consider an affidavit filed as an appendix to a motion in opposition of a motion for summary judgment for an abuse of discretion. Briggs v. Potter, 463 F.3d 507, 511 (6th Cir. 2006).

III.

After carefully reviewing the district court's opinion, the arguments of the parties, and the record, we are satisfied, for the reasons stated in United States District Judge James G. Carr's clearly reasoned and well written opinion, that the district court did not abuse its discretion in failing to consider Myers's extraneous affidavit, and properly granted summary judgment in favor of the defendants.

IV.

The district court's judgment is **AFFIRMED**.