

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30883

RICHARD CARMENA; CARL DILLON; JOHNNY HUGGINS,

Plaintiffs-Appellants,

versus

GEORGIA-PACIFIC CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
(99-CV-5)

April 10, 2002

Before JOLLY, JONES, and BARKSDALE, Circuit Judges.

PER CURIAM:*

This action arises out of claimed race-based discrimination by Georgia-Pacific Corporation, concerning Appellants not being selected for promotion to higher-level, skilled jobs. Summary judgment was awarded Georgia-Pacific. See *Carmena v. Georgia-Pacific Corp.*, No. 99-05-D (M.D. La. 26 June 2001); FED. R. CIV. P. 56.

No authority need be cited for the fact that review of a summary judgment is *de novo*, with such judgment being proper if

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

there are no genuine issues of material fact and if the movant (Georgia-Pacific) is entitled to a judgment as a matter of law. Along this line, the district court did not abuse its discretion by not allowing Appellants additional discovery for use in opposing summary judgment.

For purposes of our review, we assume *arguendo* that all of Appellants' claims were properly raised in district court and that none are procedurally barred. In any event, as discussed in part by the district court, we hold that the claims fail under theories of disparate treatment and disparate impact. In short, summary judgment was proper.

AFFIRMED