

November 30, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-30371
(Summary Calendar)

ANTHONY KENNER,

Plaintiff-Appellant

versus

ST. CHARLES PARISH; ST. CHARLES
PARISH DEPARTMENT OF PUBLIC WORKS,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
(2:02-CV-2990)

BEFORE JONES, WIENER, and DeMOSS, CIRCUIT JUDGES.

PER CURIAM:*

In this employment discrimination case alleging a pattern or practice of racial discrimination in violation of 42 U.S.C. § 2000(e)(a) and (b), Title VII-Civil Rights Act of 1964, 42 U.S.C. § 1981, 1983, and 1985, as well as claims under Louisiana state law, Plaintiff-Appellant Anthony Kenner asserts that the district court abused its discretion in (1) granting summary judgments in January, 2005 and denying Kenner a new trial; (2) denying a new

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

trial based on Kenner's contentions involving his counsel's physical and mental inability to complete an opposition to the motion for summary judgment filed by the defendants; (3) denying Kenner's ex parte motion to extend time in which to file a reply to the defendants' opposition to Kenner's Rule 59 motion for new trial grounded in his counsel's continuing disability; and (4) denying Kenner's Rule 59 motion for a new trial grounded in allegations of defendants' withholding facts in violation of the discovery order of the district court. Kenner also contends that the district court clearly erred in granting summary judgment on insufficient evidence (which, however, we review de novo). We affirm.

Our review of the record on appeal, including pleadings and exhibits filed and arguments advanced in the appellate briefs of the parties, satisfies us that, under the deferential abuse-of-discretion standard of review applicable to all rulings of the district court other than the grant of summary judgment — and on our de novo review of that judgment — there is no basis in fact or law for reversing the district court on any of its rulings in this case. Consequently, the orders and judgment of the district court are, in all respects,

AFFIRMED.