

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7702
Summary Calendar

ROLLIE J. WEBB,

Plaintiff-Appellant,

VERSUS

JOHN LEHMAN, Secretary of the Navy and
CASPER WEINBERGER, Secretary of Defense,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
(CA S90-00090-G)

(January 5, 1994)

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Rollie Webb, *pro se*, challenges the judgment entered against him on his Title VII claim. We **AFFIRM**.

I.

In 1984, Webb applied for an electronics technician position with the Naval Ocean Research and Development Activity (NORDA), a subsidiary of the Department of the Navy. The salary grade for the

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

position was GS-04. Webb, a black and a veteran, was designated by the Office of Personnel Management as the highest rated applicant.

Dr. Darrell Milburn, the NORDA supervisor seeking the hiring of an electronics technician, decided, because of a significant increase in funding for the next fiscal year (and resulting increase in field work), to seek more experienced technicians. Nevertheless, Milburn conducted telephonic interviews with the existing applicants.² After these interviews, Milburn concluded that no applicant was qualified for the new task requirements, cancelled the GS-04 position, and sought more experienced technicians. Ultimately, two GS-09 technicians were hired. Webb did not apply for those positions; apparently, he was not qualified.

After pursuing administrative remedies, Webb filed suit, alleging racial discrimination. Following a bench trial, the district court entered judgment for NORDA.

II.

Webb contends that NORDA cancelled the GS-04 technician position to avoid hiring a black, triggering a violation of Title VII. 42 U.S.C. § 2000e *et seq.* Essentially, Webb merely re-asserts the allegations presented to the district court; he complains of no specific error. At best, he appears to challenge the findings of fact by the district court.

² Milburn was not notified of the applicants' races prior to canceling the position. He testified that he could not discern their races through the telephone conversations.

For the reasons set forth in the extremely thorough and well-reasoned opinion of the district court, we hold that Webb did not establish a *prima facie* case of discrimination; moreover, we also agree with the district court that, even if Webb had established a *prima facie* case, NORDA presented a legitimate, nondiscriminatory reason for rejecting Webb's application -- namely, the need to hire a more experienced technician.³

III.

For the foregoing reasons, the judgment is

AFFIRMED.

³ Originally filed in 1986 in the Central District of Illinois, and after extensive proceedings, the case was transferred to the Southern District of Mississippi. Webb requests that "his case be retried in the State of Illinois". There is no merit in this request.