

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-9574  
Summary Calendar

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DR. ABDULLAH MUHAMMED,

Plaintiff-Appellant,

versus

BOARD OF SUPERVISORS OF  
SOUTHERN UNIVERSITY, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
(CA 87 504 A M2)

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(November 10, 1993)

Before POLITZ, Chief Judge, DUHÉ and DeMOSS, Circuit Judges.

POLITZ, Chief Judge:\*

Claiming religious discrimination, Dr. Abdullah Muhammed appeals the decision of the district court granting judgment as a matter of law in his 42 U.S.C. § 1983 action. He also challenges an evidentiary ruling excluding a video deposition. Finding

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\*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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

neither error nor abuse of discretion, we affirm.

### Background

In January of 1984 Southern University hired Abdullah Muhammed and five other research scientists to develop programs aimed at assisting small farmers in Louisiana. Each candidate signed a one-year contract with the Center for Small Farms Research for service as a non-tenured horticultural professor. Muhammed ultimately signed three annual contracts but the University Board of Supervisors chose not to renew for the fourth year. The Board was of the opinion that neither Muhammed nor his experiments had met the Center's expectations.

The Board had persuasive facts undergirding its conclusions. Dr. Robert Phills, dean of the Department of Agriculture at Southern University, attested to Muhammed's failure to submit timely the required project proposals, despite verbal and written admonitions. Once submitted, the reports generally failed to pass muster with university review groups and often received harsh criticism. Additional evidence demonstrated that Muhammed disobeyed the direct orders of his supervisors and had difficulty getting along with fellow faculty and staff. The record further reflects that while the other scientists attended to their research experiments and carried them to fruition, Muhammed allowed his to slip into disrepair and left them in a state of incompleteness.

Overlooking the numerous warnings regarding his unacceptable work ethic, Muhammed erroneously concluded that his termination

reflected a religious prejudice on the part of Phills. He points to a few, rather tenuous pieces of evidence to support this allegation. Phills had expressed concern that Muhammed's decision to change his name<sup>1</sup> might hinder his ability to advance professionally. He added that the little white hat, which Muhammed wore daily, might foil his dealings with local Louisiana farmers.<sup>2</sup> Finally, while Muhammed was on leave for a trip to Mecca to practice his faith -- a leave granted by Phills -- a university maintenance person inadvertently plowed over Muhammed's research plot; Muhammed charges that Phills ordered this destruction of his plot.

The district court found the evidence of religious discrimination very sparse and granted the Board's motion for judgment as a matter of law, dismissing Muhammed's case. Muhammed timely appealed this ruling, including an appeal of the court's earlier ruling excluding the video deposition of Dr. Hazell Reed.

#### Analysis

We review judgments as a matter of law *de novo*, applying the

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<sup>1</sup>Prior to his religious conversion, Abdullah Muhammed was named Henry X. Douglas.

<sup>2</sup>Muhammed also sought to introduce the videotaped deposition of Dr. Hazell Reed. The trial judge rejected the tape on two grounds: First, Muhammed's attorney had not edited the cassette as directed at the pretrial conference; and second, the tape contained testimony about conversations between Reed and Phills that occurred after Muhammed's departure, and thus lacked relevance.

same standard as that applied by district courts.<sup>3</sup> That standard requires consideration of all of the evidence in the light most favorable to and with all reasonable inferences drawn in favor of the nonmovant party. We will affirm only if the relevant facts and inferences point so strongly in favor of the moving party that reasonable minds could not differ.<sup>4</sup>

In advancing his section 1983 claim Muhammed failed to acquit one of the threshold burdens of proof. He had to establish a connection between his religious preference or exercises and the Board's decision not to renew his contract.<sup>5</sup> Although his right to practice his Moslem faith is firmly rooted in the Constitution, Muhammed failed to demonstrate that the practice of his faith formed a "substantial" or "motivating" factor for the Board's action.<sup>6</sup> He merely proved that Phills, alert to Muhammed's new name and attire, commented on those changes and their possible effect on Muhammed's professional success. He did not link the comments to a religious bias or illicit motive for the decision not to renew his contract; nor does the plot-mowing incident support such a finding.

In deciding whether to grant judgment as a matter of law based

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<sup>3</sup>**Arenson v. Southern Univ. Law Center**, 911 F.2d 1124, 1127 (5th Cir. 1990), cert. denied sub nom., **Agnihotri v. Arenson**, 111 S.Ct. 1417 (1991).

<sup>4</sup>**Boeing Co. v. Shipman**, 411 F.2d 365, 374 (5th Cir. 1969) (en banc).

<sup>5</sup>**Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle**, 429 U.S. 274 (1977).

<sup>6</sup>**Id.** at 287.

on lack of proof of a material fact, "[t]he mere existence of a scintilla of evidence in support of the plaintiff's position [will not suffice]; there must be evidence on which the jury could reasonably find for the plaintiff."<sup>7</sup> In the present case, a reasonable jury could not conclude that the Board of Supervisors of Southern University chose not to renew Muhammed's contract because of a disdain for the Moslem religion or its free exercise. The district court properly granted the Board's motion for judgment as a matter of law.

Regarding Muhammed's evidentiary challenge, we also affirm. This court has recognized that a district judge, because of his involvement in the trial, "often has superior knowledge and understanding of the probative value of the evidence."<sup>8</sup> Evidentiary rulings are reviewed under the deferential abuse of discretion standard.<sup>9</sup> We cannot say that Chief Judge Parker abused his discretion in finding the video deposition irrelevant in the instant case.

AFFIRMED.

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<sup>7</sup>**Anderson v. Liberty Lobby, Inc.**, 477 U.S. 242, 252 (1986).

<sup>8</sup>**Johnson v. Ford Motor Co.**, 988 F.2d 573, 578 (5th Cir. 1993).

<sup>9</sup>**Sullivan v. Rowan Companies, Inc.**, 952 F.2d 141 (5th Cir. 1992).