

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 95-31317
Summary Calendar

GEORGE W. STEMLEY,

Plaintiff-Appellant,

VERSUS

MARTIN MARIETTA MANNED SPACE SYSTEMS,

Defendant,

MARTIN MARIETTA CORP., erroneously sued as
Martin Marietta Manned Space Systems,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana

September 19, 1996

Before JONES, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

George W. Stemley sued his employer, Martin Marietta Corporation, for illegal discrimination on the basis of race under Title VII and for age discrimination under the ADEA. Stemley was discharged in June 1992 as part of a company-wide reduction in

*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

force which Martin Marietta undertook because of reduction in its business from the National Aeronautics and Space Administration. As part of this reduction in force process, Martin Marietta used a process for ranking all of its employees. Stemley ranked only 105 of 106 employees on the Technical Operations Department integrated ranking list for labor grade 45. These ranking lists were used as a tool in selecting individual employees for layoff. In addition to these rankings, the ability of each individual to perform the work which was anticipated to be available after the NASA reductions took affect were considered in choosing individuals to be laid off. Prior to trial, the district court granted a partial summary judgment in favor of Martin Marietta on Stemley's claims of race discrimination and the case went to trial before a jury on Stemley's claims of age discrimination. At the conclusion of plaintiff's evidence, the district court granted judgment as a matter of law in favor of Martin Marietta on the age discrimination claims. Stemley moved for a new trial which was denied and timely appealed.

We have carefully considered the briefs, the record excerpts and the record itself. We agree with the district court that there was insufficient evidence of either race or age discrimination to support a jury verdict on Stemley's claims. We affirm the final judgment entered by the district court in favor of Martin Marietta.

AFFIRMED.