

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-10966
Summary Calendar

IVY L. CHAMBERS,

Plaintiff-Appellant,

VERSUS

UNITED PARCEL SERVICE, INC.,

Defendant-Appellee.

Appeal from the United States District Court
For the Northern District of Texas

(4:96-CV-560-A)

June 3, 1998

Before DUHE', DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Ivy L. Chambers, the plaintiff-appellant, sued his former employer, United Parcel Service, Inc., the defendant-appellee, alleging age discrimination in violation of the Age Discrimination and Employment Act. See 29 U.S.C. §621, *et seq.* The plaintiff asserted that he has been impermissibly terminated because of his

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

age. Following discovery, the defendant moved for summary judgment and the district court granted that motion. The plaintiff does not attack the propriety of the district court's decision concerning the motion for summary judgment.

Prior to the defendant's motion for summary judgment, the plaintiff sought leave to amend his complaint in order to dismiss his age discrimination case without prejudice, to add a race discrimination claim, assert a claim for defamation against an additional defendant, and make a jury demand. The district court denied the plaintiff's motion on the grounds of undue delay and prejudice to the defendant. Additionally, in response to the defendant's motion for summary judgment, the plaintiff requested a continuance of the defendant's motion in order to conduct or obtain further discovery. The plaintiff's motion for a continuance was denied upon a finding that the plaintiff had failed to comply with the dictates of Fed. R. Civ. P. 56(f). The plaintiff appeals both of these rulings.

After a review of the record, the briefs, and the reasons stated by the district court, we hereby AFFIRM.