

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30009
Summary Calendar

JAMES EDWARD GRANT,

Plaintiff-Appellant,

versus

ECKERD CORPORATION; GARY GADDY,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(95-CV-1153)

October 2, 1997

Before SMITH, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

James Edward Grant appeals from an adverse judgment and the denial of his motion for judgment as a matter of law, or for new trial, following an adverse jury verdict on his race-based termination claims against Eckerd Corporation. The basis given by Eckerd for his termination was falsification of an employee's payroll records.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Grant contends that the district court reversibly erred by excluding evidence, under FED. R. EVID. 403, that Gaddy, Eckerd's area operations manager and Grant's supervisor, never promoted a black assistant manager to manager and that Grant was the only black manager in Gaddy's district. Grant asserts also that the jury verdict was clearly contrary to the evidence.

We conclude that the district court did not abuse its discretion in excluding the evidence and that, based on the evidence, a rational juror could have reached the verdict adverse to Grant. Accordingly, the judgment is

AFFIRMED.