

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-40167
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 27, 2020

Lyle W. Cayce
Clerk

PHILLIP DAVID HASKETT,

Plaintiff-Appellant

v.

T.S. DUDLEY LAND COMPANY, INCORPORATED,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:14-CV-277

Before HIGGINBOTHAM, HO, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Phillip David Haskett appeals the district court's grant of the defendant's motion for summary judgment in this Age Discrimination in Employment (ADEA) case. He argues that there were material factual disputes precluding summary judgment and that the district court abused its discretion with regard to its discovery rulings.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 18-40167

We review the grant of a motion for summary judgment de novo. *Xtreme Lashes, LLC v. Xtended Beauty, Inc.*, 576 F.3d 221, 226 (5th Cir. 2009). Summary judgment “shall” be entered “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” FED. R. CIV. P. 56(a). When reviewing a ruling on a motion for summary judgment, we view all facts and evidence in the light most favorable to the nonmoving party. *Xtreme Lashes, LLC*, 576 F.3d at 226. Haskett produced no summary judgment evidence to rebut the defendant’s showing that it had a legitimate, non-discriminatory reason for not hiring him. *See Haas v. ADVO Sys., Inc.*, 168 F.3d 732, 733 (5th Cir. 1999). Instead, he relies only on conclusional assertions, which do not suffice to make the necessary showing. *See Duffie v. United States*, 600 F.3d 362, 371 (5th Cir. 2010).

Because district courts have great discretion to direct discovery, it is atypical for this court to conclude that a district court has abused its discretion vis-a-vis discovery orders. *Equal Emp’t Opportunity Comm’n v. BDO USA, L.L.P.*, 876 F.3d 690, 696-97 (5th Cir. 2017). Moreover, Haskett has not shown a reasonable likelihood that further discovery would have enabled him to overcome the defendant’s motion for summary judgment; thus, he has shown no abuse of discretion in connection with the district court’s discovery rulings. *See Resolution Trust Corp. v. Sharif–Munir–Davidson Dev. Corp.*, 992 F.2d 1398, 1401 (5th Cir. 1993).

AFFIRMED.