

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1787

TIMOTHY R. MARTIN,

Plaintiff - Appellant,

v.

SCOTT & STRINGFELLOW, INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:08-cv-00417-REP)

Submitted: November 17, 2009

Decided: November 19, 2009

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Timothy R. Martin, Appellant Pro Se. David Edward Constine, III, Laura Denise Windsor, TROUTMAN & SANDERS, LLP, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy R. Martin appeals the district court's adverse grant of summary judgment and dismissal of his civil employment discrimination and retaliation case. The sole issue Martin raises on appeal is a challenge to the district court's discovery ruling relative to the production of certain email messages. We affirm.

We review a district court's denial of a motion to allow further discovery before ruling on a summary judgment motion under an abuse of discretion standard. Strag v. Bd. of Trs., 55 F.3d 943, 952-53 (4th Cir. 1995); Nguyen v. CNA Corp., 44 F.3d 234, 242 (4th Cir. 1995). Here, where it is evident that the district court thoroughly considered Martin's request for the information and discussed the availability of the information with opposing counsel before determining that the information was not subject to production, we cannot find that the district court abused its discretion.

Accordingly, we affirm the district court's discovery ruling, and further affirm its dismissal of Martin's case on summary judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED