

No. 10-4136

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 07, 2012
LEONARD GREEN, Clerk

JASON MOBERLY,)
)
 Plaintiff-Appellant,)

v.)

UNIVERSITY OF CINCINNATI CLERMONT)
COLLEGE; ANN APPLETON, Individually;)
KIMBERLY ELLISON, Individually; JAMES)
MCDONOUGH, Individually,)
)
 Defendants-Appellees.)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF OHIO

O P I N I O N

BEFORE: MERRITT and COLE, Circuit Judges; VARLAN, District Judge.*

PER CURIAM. Plaintiff-Appellant Jason Moberly appeals the district court’s grant of summary judgment in favor of Defendants-Appellees University of Cincinnati Clermont College, Assistant Dean of Students Ann Appleton, Director of Student Life Kimberly Ellison, and Dean James McDonough (collectively, “Clermont”). Moberly alleges that Clermont initially declined to hire him as assistant basketball coach in retaliation for raising complaints about racial discrimination, in violation of 42 U.S.C. § 1981, the First Amendment, and Title VI of the Civil Rights Act, 42 U.S.C. § 2000d. Despite its initial decision to offer the position to another candidate, Clermont ultimately hired Moberly.

* The Honorable Thomas A. Varlan, United States District Judge for the Eastern District of Tennessee, sitting by designation.

No. 10-4136

Moberly v. University of Cincinnati Clermont College, et al.

We review the grant of a motion for summary judgment de novo and “view all evidence in the light most favorable to the non-moving party.” *Upshaw v. Ford Motor Co.*, 576 F.3d 576, 584 (6th Cir. 2009). We may grant summary judgment if, upon review of the pleadings, affidavits, depositions, and answers to interrogatories, we conclude “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). Upon hearing oral argument and carefully reviewing the record, we conclude that the district court did not err in granting summary judgment in favor of Clermont on all claims. Accordingly, we AFFIRM for the reasons set forth in the district court opinion.