

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 05-2323

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ERIC M. BOYD,

Plaintiff - Appellant,

versus

CARLOS M. GUITERREZ,

Defendant - Appellee.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CA-04-1535-DKC)

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Submitted: November 21, 2006

Decided: January 23, 2007

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Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Willie J. Mahone, Frederick, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Ariana Wright Arnold, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric M. Boyd appeals the district court's adverse grant of summary judgment, alleging abuse of the district court's discretion in denying his Fed. R. Civ. P. 56(f) motion. Generally, summary judgment is appropriate only after adequate time for discovery. Evans v. Technologies Applications & Serv. Co., 80 F.3d 954, 961 (4th Cir. 1996) (citation and quotation marks omitted). Here, however, while Boyd submitted an affidavit pursuant to Rule 56(f) in which he attested that he was "unable to present facts in opposition to Defendant's Motion for Summary Judgment, without the benefit of discovery in this matter," he failed to identify any facts essential to his opposition that were not already available to him. Rule 56(f) provides that a court may order a continuance "[s]hould it appear from the affidavits . . . that the party cannot for reasons stated" present facts to defeat summary judgment. Given the extent to which numerous documents and affidavits submitted during his EEOC proceedings were already available to Boyd, we find no abuse of the district court's discretion in denying Boyd's Rule 56(f) motion.

Accordingly, we affirm the district court's order denying Boyd's Rule 56(f) motion, granting summary judgment, and dismissing Boyd's action. 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