

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1118

MARIA C. FERNANDEZ,

Plaintiff - Appellant,

v.

MICHAEL V. HAYDEN, Lt. General, Director of National
Security Agency,

Defendant - Appellee.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. J. Frederick Motz, District Judge.
(1:04-cv-03009-JFM)

Submitted: December 31, 2008

Decided: January 12, 2009

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Terry B. Blair, Baltimore, Maryland; William T. Glasgow,
Columbia, Maryland, for Appellant. Rod J. Rosenstein, United
States Attorney, Allen F. Loucks, Assistant United States
Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Maria C. Fernandez appeals the district court's orders granting summary judgment to the Defendant in Fernandez's civil action and denying her motions to alter or amend judgment, for a protective order, and to compel. On appeal, Fernandez contends the district court abused its discretion in refusing to allow her to conduct discovery as to count one of her complaint prior to summary judgment, and the district court erred in concluding that there was insufficient evidence of disparate treatment, of retaliatory action, and that Fernandez's alleged harassment was based on her gender to survive summary judgment. We affirm.

We review a district court's grant of summary judgment de novo, construing the facts in the light most favorable to the nonmoving party. Holland v. Washington Homes, Inc., 487 F.3d 208, 213 (4th Cir. 2007), cert. denied, 128 S. Ct. 955 (2008). We review for abuse of discretion the district court's refusal to allow discovery prior to granting summary judgment. Harrods Ltd. v. Sixty Internet Domain Names, 302 F.3d 214, 244 (4th Cir. 2002); Nguyen v. CNA Corp., 44 F.3d 234, 242 (4th Cir. 1995).

Summary judgment "should be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). "[T]here is no issue

for trial unless there is sufficient evidence favoring the nonmoving party for a jury to return a verdict for that party. If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249-50 (1986).

With these standards in mind, we have reviewed the parties' briefs and the record and find no abuse of discretion or reversible error. Accordingly, we affirm for the reasons stated by the district court. See Fernandez v. Hayden, No. 1:04-cv-03009-JFM (D. Md. Oct. 23, 2007; Aug. 27, 2007; Apr. 2, 2007; Aug. 25, 2006; Aug. 24, 2006; Sept. 26, 2005). 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