

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1712

ESTHER M. YATES,

Plaintiff - Appellant,

v.

COMPUTER SCIENCES CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:12-cv-01494-TSE-IDD)

Submitted: November 20, 2014

Decided: November 24, 2014

Before KING and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Esther M. Yates, Appellant Pro Se. Frank Daniel Wood, Jr., KULLMAN FIRM, Birmingham, Alabama, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Esther M. Yates, who proceeds before this court pro se, appeals from the district court's entry of judgment for Defendant in accordance with the jury's verdict, and the district court's order denying Yates' Fed. R. Civ. P. 59 motion for a new trial. Yates sued her former employer, Defendant Computer Sciences Corporation, pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to 2000e-17 (2012), and 42 U.S.C. § 1981 (2012). On Defendant's motion for summary judgment, the scope of Yates' complaint was narrowed in that only her claims of retaliation and racially discriminatory suspension/termination went to trial. After four days of testimony, the jury returned a special verdict in favor of Defendant. Yates timely moved for a new trial; following extensive briefing and a hearing, the court denied the motion.

On appeal, Yates contends the district court erred in (1) offering a prefatory statement prior to admitting evidence related to Yates' salary and instructing the jury as to the limited basis for considering that evidence; (2) excluding certain items of evidence; and (3) denying Yates' request to expand the grounds for her motion for a new trial. Yates also asserts that, in the aggregate, the trial errors substantially prejudiced her case.

Our review of the relevant record, including the pretrial proceedings that limited the scope of Yates' claims and the evidence that would be admitted as to those claims, reveals no reversible error. See Noel v. Artson, 641 F.3d 580, 591 (4th Cir. 2011) ("Evidentiary rulings are reviewed under the well-known abuse of discretion standard, and we will only overturn an evidentiary ruling that is arbitrary and irrational." (internal quotation marks omitted)). Because the claims of trial error fail, so too does Yates' cumulative error claim.

We have also reviewed the parties' arguments regarding Yates' motion for a new trial and the transcript of the motion hearing, and we conclude that the district court did not abuse its discretion in denying this relief. See Minter v. Wells Fargo Bank, N.A., 762 F.3d 339, 346 (4th Cir. 2014) ("A district court's denial of a motion for a new trial is reviewed for abuse of discretion, and will not be reversed save in the most exceptional circumstances." (internal quotation marks omitted)). Finally, we agree with the district court's denial of Yates' request to expand her motion for a new trial. The purported new grounds were raised, for the first time, well after the twenty-eight-day period for filing such a motion expired, see Fed. R. Civ. P. 59(b); Fed. R. Civ. P. 6(b)(2) (prohibiting district courts from extending the time to file motions under Rule

59(b)), and would have been known to counsel at the time the initial motion was filed.

For these reasons, we affirm both the judgment and the order denying Yates' motion for a new trial. See Yates v. Computer Sciences Corp., No. 1:12-cv-01494-TSE-IDD (E.D. Va. Mar. 28, 2014 & June 20, 2014). We grant Yates leave to proceed on appeal in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED