

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 6, 2013

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No. 12-60288  
Summary Calendar

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Lyle W. Cayce  
Clerk

BENNIE HUTCHINS,

Plaintiff - Appellant

v.

THOMAS J. VILSACK, Secretary of and for United States Department of  
Agriculture,

Defendant - Appellee

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:10-CV-120

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Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Bennie Hutchins sued the United States Department of Agriculture claiming that the agency's decision to promote a younger, less qualified African American man in lieu of Hutchins amounted to race- and age-discrimination in

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-60288

violation of federal law. The case was tried to a jury, which returned a verdict for the defendant. Hutchins moved for Rule 50 judgment as a matter of law and the district court denied the motion. This appeal followed.

On appeal, Hutchins maintains that the jury verdict is unsupported by the evidence, also challenging a number of the district court's evidentiary rulings. After carefully reviewing the briefs, the record, and applicable law, we conclude that Hutchins's appeal is meritless. Hutchins's age- and race-discrimination claims were fully developed before the district court. The jury rendered a defensible verdict and the district court did not abuse its discretion in any of its evidentiary rulings. The judgment of the district court is **AFFIRMED**.