

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

United States Court of Appeals
Fifth Circuit

FILED

March 6, 2013

Lyle W. Cayce
Clerk

No. 12-60288
Summary Calendar

BENNIE HUTCHINS,

Plaintiff - Appellant

v.

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

Defendant - Appellee

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

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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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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**.