

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 08a0752n.06**

**Filed: December 10, 2008**

**No. 07-4220**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

TOMMY DILLE,	)	
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	
	)	
LVI ENVIRONMENTAL SERVICES, INC.;	)	
LOCAL 310 BUILDING LABORERS;	)	ON APPEAL FROM THE UNITED
PHILIP LUPKES, Superintendent,	)	STATES DISTRICT COURT FOR THE
Individually; ROBERT SMITH, General	)	NORTHERN DISTRICT OF OHIO
Foreman, Individually; TOM JOHNSON,	)	
Project Manager, Individually; DERRICK	)	
GOULD, Crew Foreman, Individually;	)	
DEMESHEO WILSON, Operations Manager,	)	
Individually,	)	
	)	
Defendants-Appellees.	)	

Before: COLE and COOK, Circuit Judges; and EDMUNDS, District Judge\*

COOK, Circuit Judge. Plaintiff-appellant Tommy Dille appeals the decision of the district court to enter summary judgment for defendants-appellees LVI Environmental Services, Inc., its employees Philip Lupkes, Robert Smith, Tom Johnson, Derrick Gould, Demesheo Wilson, and Local 310 Building Laborers. Dille sued the defendants-appellees under a series of Federal and State employment discrimination claims. After reviewing the record, the applicable law, and the parties'

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\*The Honorable Nancy G. Edmunds, United States District Judge for the Eastern District of Michigan, sitting by designation.

No. 07-4220

*Dille v. LVI Environmental Services*

briefs, we find that the magistrate judge's opinions carefully and correctly set out the facts and the governing law. Because this court's issuance of a full opinion would serve no jurisprudential purpose and would be duplicative, we affirm the grant of summary judgment to defendants-appellees, adopting the reasoning of the magistrate judge's opinions of August 24, 2007 except on one point. We consider it a close question whether Dille failed to set forth a prima facie case of retaliatory discharge under Title VII. But even assuming Dille met the prima-facie-case test, we agree with the magistrate judge's reasoning that Dille failed to produce evidence raising a genuine issue of material fact regarding whether the non-discriminatory reason LVI gave for discharging him was a pretext for race discrimination.