

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 13a0032n.06

No. 12-5456

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

FILED
Jan 07, 2013
DEBORAH S. HUNT, Clerk

EDWIN PAGAN-APONTE,)	
)	
Plaintiff-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
JOHN M. MCHUGH, Secretary of the)	MIDDLE DISTRICT OF TENNESSEE
Army,)	
)	
Defendant-Appellee.)	

Before: GUY, SUTTON, and COOK, Circuit Judges.

PER CURIAM. In this race-based employment discrimination and retaliation action, Edwin Pagan-Aponte appeals the district court's order granting summary judgment to defendant Secretary of the Army¹ on Pagan-Aponte's two separate non-selections for promotion. He also appeals the lower court's order barring expert testimony about the Army's promotion procedures. Having determined that the district court thoroughly and correctly set out the undisputed facts and governing law, this court's issuance of a full opinion would be duplicative and serve no jurisprudential purpose. We AFFIRM the district court's judgment on the basis of its May 10, 2011 order granting defendant's motion to exclude and its April 5, 2012 grant of summary judgment to the Army.

¹John McHugh became Secretary of the Army after Pagan-Aponte filed his lawsuit. Federal Rule of Civil Procedure 25(d) automatically designates Mr. McHugh as the proper defendant.