

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 11-1625

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Dale Brent Adams, \*  
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 Appellant, \*  
 \* Appeal from the United States  
 v. \* District Court for the  
 \* Western District of Arkansas.  
 Tyson Foods, Inc., \*  
 \* [UNPUBLISHED]  
 Appellee. \*

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Submitted: October 4, 2011  
Filed: October 7, 2011

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Before MURPHY, ARNOLD, and BENTON, Circuit Judges.

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PER CURIAM.

Dale Adams appeals the district court’s<sup>1</sup> adverse grant of summary judgment in his employment-discrimination action against his former employer, Tyson Foods. Upon careful de novo review, we conclude that the district court properly granted Tyson Foods summary judgment, because Adams failed to present a trialworthy issue as to whether Tyson’s legitimate, non-discriminatory reason for his termination was a pretext for unlawful discrimination. See Tusing v. Des Moines Indep. Cmty. Sch. Dist., 639 F.3d 507, 514-18 (8th Cir. 2011) (standard of review; burden-shifting

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<sup>1</sup>The Honorable Jimm Larry Hendren, United States District Judge for the Western District of Arkansas.

analysis); Manning v. American Republic Ins. Co., 604 F.3d 1030, 1044 (8th Cir.) (absenteeism constitutes legitimate, non-discriminatory reason for termination), cert. denied, 131 S. Ct. 648 (2010); Bloom v. Metro Heart Grp. of St. Louis, Inc., 440 F.3d 1025, 1028-29 (8th Cir. 2006) (conclusory allegations and speculation are insufficient to defeat summary judgment).

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Adams's pending motions for an injunction and sanctions.

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