

United States Court of Appeals  
For the Eighth Circuit

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No. 12-2909

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Kenneth W. Fernandez

*Plaintiff - Appellant*

v.

Budget Exteriors, Inc.

*Defendant - Appellee*

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Appeal from United States District Court  
for the District of Minnesota - Minneapolis

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Submitted: April 5, 2013  
Filed: May 31, 2013  
[Unpublished]

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Before LOKEN, MELLOY, and BENTON, Circuit Judges.

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PER CURIAM.

Kenneth W. Fernandez appeals the district court's<sup>1</sup> adverse grant of summary judgment in his employment-discrimination action. Upon careful de novo review, see Kincaid v. City of Omaha, 378 F.3d 799, 803 (8th Cir. 2004), we conclude that summary judgment was proper. The district court correctly concluded Fernandez's hostile work environment claims were untimely and that his retaliatory-discharge claim fails because Budget articulated legitimate, non-discriminatory reasons for his discharge, which Fernandez did not show were pretextual.

Accordingly, we affirm the judgment. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Jeffrey J. Keyes, United States Magistrate Judge for the District of Minnesota, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).