

United States Court of Appeals
For the Eighth Circuit

No. 17-3468

Joseph Townsend

Plaintiff - Appellant

v.

AutoZone Stores, LLC; AutoZone Stores, Inc.

Defendants - Appellees

AutoZone Development, LLC; AutoZone Texas, LLC; AutoZoners, LLC

Defendants

Randy Magness

Defendant - Appellee

Appeal from United States District Court
for the Western District of Arkansas - Texarkana

Submitted: August 1, 2018
Filed: September 7, 2018
[Unpublished]

Before LOKEN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

In this employment discrimination action, Joseph Townsend appeals the district court's¹ adverse grant of summary judgment on his retaliation claims against Randy Magness. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Upon de novo review, this court agrees with the district court's summary judgment decision. *See Hutton v. Maynard*, 812 F.3d 679, 683 (8th Cir. 2016) (standard of review). In his retaliatory-transfer claim, Townsend did not raise a genuine dispute regarding whether his lateral transfer constituted an adverse employment action. *See Jackman v. Fifth Judicial Dist. Dep't of Corr. Servs.*, 728 F.3d 800, 804 & n.4 (8th Cir. 2013) (setting forth elements of retaliation claim). In the retaliatory-discharge claim—which relied primarily on a “cat's paw” theory—Townsend did not raise a genuine dispute regarding whether a biased individual influenced the decision to terminate his employment, or whether a causal connection existed between his termination and any statutorily protected conduct. *See Qamhiyah v. Iowa State Univ. of Sci. & Tech.*, 566 F.3d 742, 742-46 (8th Cir. 2009) (discussing “cat's paw” theory); *see also Hutton*, 812 F.3d at 684 (to proceed under indirect method of proof, plaintiff must show causal connection).

The judgment is affirmed. *See* 8th Cir. R. 47B.

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas.