

United States Court of Appeals  
For the Eighth Circuit

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No. 20-2661

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Jeremiah Preston Trapp

*Plaintiff - Appellant*

v.

Dat Tran, Acting United States Secretary of Veterans Affairs<sup>1</sup>

*Defendant - Appellee*

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Appeal from United States District Court  
for the Western District of Missouri - Joplin

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Submitted: February 3, 2021

Filed: February 11, 2021

[Unpublished]

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Before KELLY, MELLOY, and GRASZ, Circuit Judges.

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PER CURIAM.

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<sup>1</sup>Dat Tran has been appointed to serve as Acting Secretary of the United States Department of Veterans Affairs, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c).

In this Title VII action, Jeremiah Preston Trapp appeals the district court's<sup>2</sup> adverse grant of summary judgment on his retaliation claim. Viewing the evidence in the light most favorable to Trapp, and drawing all reasonable inferences in his favor, *see Findlator v. Allina Health Clinics*, 960 F.3d 512, 514 (8th Cir. 2020) (de novo review), we conclude Trapp did not establish a prima facie case of retaliation, *see AuBuchon v. Geithner*, 743 F.3d 638, 641 (8th Cir. 2014) (elements of prima facie case). The judgment is affirmed. *See* 8th Cir. R. 47B.<sup>3</sup>

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<sup>2</sup>The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

<sup>3</sup>We have not considered the matters Trapp raises for the first time on appeal, *see Stone v. Harry*, 364 F.3d 912, 914-15 (8th Cir. 2004) (declining to consider pro se appellant's allegations, arguments, or claims not raised before the district court); or the exhibits he offers which were not part of the summary judgment record, *see Barry v. Barry*, 78 F.3d 375, 379 (8th Cir. 1996) (noting this court considers only evidentiary materials before the trial court when the summary judgment ruling was made).