

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2031

WILLIAM MCKELVY,

Plaintiff - Appellant,

v.

CAPITAL ONE SERVICES, LLC,

Defendant - Appellee,

and

CAPITAL ONE FINANCIAL CORPORATION,

Defendant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:09-cv-000821-JRS)

Submitted: April 4, 2011

Decided: April 29, 2011

Before SHEDD, DUNCAN, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wayne M. Scriven, SCRIVEN LAW OFFICES, Virginia Beach, Virginia, for Appellant. Rodney A. Satterwhite, Jeffrey S. Shapiro, Latoya C. Asia, MCGUIREWOODS LLP, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William McKelvy appeals the district court's order granting Capital One Services, LLC's motion for summary judgment on his claims of discriminatory removal of supervisory duties and termination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. §§ 2000e to 2000e-17 (West 2003 & Supp. 2010), and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A. §§ 621 to 634 (West 2008 & Supp. 2010); discriminatory denial of promotion, in violation of 42 U.S.C. §§ 1981, 1981a (2006); and state law claims for breach of contract, wrongful discharge and intentional infliction of emotional distress. McKelvy argues that the district court erred when it: (i) failed to afford McKelvy eleven days to oppose Capital One's summary judgment motion; (ii) denied McKelvy's motion to compel; (iii) determined that McKelvy failed to rebut the at-will employment presumption; (iv) granted summary judgment on McKelvy's retaliation claim based on Capital One's alleged refusal to pay severance benefits if he did not withdraw his Equal Employment Opportunity Commission charge; and (v) improperly relied on hearsay evidence to find that Capital One established a legitimate, nondiscriminatory reason for its actions. We have reviewed the record and have found no reversible error. Accordingly, we affirm the district court's final order. McKelvy v. Capital One Servs., LLC, No. 3:09-cv-

00821-JRS (E.D. Va. filed August 20, 2010; entered August 25, 2010). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED