

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

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No. 05-3627

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Marion J. Arnett,

Appellant,

v.

R. L. Brownlee, Acting Secretary,  
United States Department of the Army,

Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Arkansas.

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\* [UNPUBLISHED]

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Submitted: November 27, 2006

Filed: December 1, 2006

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Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Marion Arnett appeals the district court's<sup>1</sup> adverse grant of summary judgment in his employment-discrimination action. Having carefully reviewed the record, see Kasper v. Federated Mut. Ins. Co., 425 F.3d 496, 502 (8th Cir. 2005) (de novo review), we agree with the district court that Arnett offered no evidence that his supervisors knew of his disability before they made the decision to terminate him. Thus, he cannot establish a prima facie case of discrimination based on his disability.

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<sup>1</sup>The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas.

See Wilking v. County of Ramsey, 153 F.3d 869, 871-74 (8th Cir. 1998) (elements of prima facie case; summary judgment for employer was appropriate where, prior to awareness of employee's depression, employer had decided to terminate probationary employee based on poor performance and only question was when discharge would occur). We also agree with the district court that Arnett's reasonable-accommodation claim fails for the same reason. See Mole v. Buckhorn Rubber Prods., Inc., 165 F.3d 1212, 1218 (8th Cir. 1999) (upholding summary judgment for employer where prior to receiving notice of termination, employee never advised employer she needed additional accommodation).

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

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