UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 16th day of June, two thousand ten.

PRESENT: REENA RAGGI,
GERARD E. LYNCH,
J. CLIFFORD WALLACE,[*]
Circuit Judges.

DAVID T. HARGETT,
Plaintiff-Appellant,

v. No. 09-4044-cv

METROPOLITAN TRANSPORTATION AUTHORITY, KEN NEAL, JAMES HARDING, STATE OF NEW YORK,
Defendants,

NEW YORK CITY TRANSIT AUTHORITY, STANLEY GRILL, DAVID ROSS, MAY MCINTOSH,
Consolidated-Defendants-Appellees.[**]

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[*] Circuit Judge J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit, sitting by designation.

[**] The Clerk of the Court is directed to amend the official caption to read as shown above.

APPEARING FOR APPELLANT: DAVID T. HARGETT, *pro se*, Danbury, Connecticut.

APPEARING FOR APPELLEES: ROBERT K. DRINAN (Gena Usenheimer, *on the brief*), Office of the General Counsel, New York City Transit Authority, Brooklyn, New York.

Appeal from the United States District Court for the Southern District of New York (Colleen McMahon, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court entered on August 5, 2009, is AFFIRMED.

Pro se plaintiff David T. Hargett appeals from an award of summary judgment in favor of defendants, the New York City Transit Authority, Stanley Grill, David Ross, and May McIntosh (collectively, the "NYCTA defendants"), on his wrongful termination and retaliation claims brought pursuant to 42 U.S.C. § 1981; the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.; and New York state law. We review a summary judgment award de novo, viewing the facts in the light most favorable to the non-moving party. See Havey v. Homebound Mortgage, Inc., 547 F.3d 158, 163 (2d Cir. 2008). While we will not uphold an award of summary judgment in favor of defendants if the evidence is sufficient to permit a reasonable jury to find for Hargett, he must point to more than a "scintilla" of supporting evidence to defeat summary judgment. Id. (internal quotation marks omitted); see also Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986). In applying these principles to this appeal, we assume the parties' familiarity with the facts and the record of prior proceedings, which we reference only as necessary to explain our decision.

Upon independent review of the record, we conclude for substantially the reasons stated in the district court's thorough and well-reasoned opinion that the NYCTA defendants were entitled to summary judgment. See Hargett v. N.Y. City Transit Auth., No. 06 Civ. 7094 (S.D.N.Y. Aug. 5, 2009). We have considered Hargett's remaining arguments on appeal and conclude that they are without merit. Accordingly, the August 5, 2009 judgment of the district court is AFFIRMED.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court