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 Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of December, two thousand fourteen.

PRESENT: DENNY CHIN,
SUSAN L. CARNEY,
Circuit Judges.
ROBERT W. SWEET,
District Judge.*

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TERRI R. DABNEY,
Plaintiff-Appellant,

v. 13-3261-cv

BED BATH & BEYOND and CHRISTMAS TREE SHOPS,
Defendants-Appellees.**

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* The Honorable Robert W. Sweet, of the United States District Court for the Southern District of New York, sitting by designation.

** The Clerk of the Court is directed to amend the caption to conform to the above.

FOR PLAINTIFF-APPELLANT: Terri R. Dabney, *pro se*, Buffalo, New York.

FOR DEFENDANTS-APPELLEES: Greg Riolo and Michael L. Abitabilo, Jackson Lewis P.C., White Plains, New York.

Appeal from the United States District Court for the Southern District of New York (Seibel, *J.*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court is **AFFIRMED**.

Plaintiff-appellant Terri R. Dabney, proceeding *pro se*, appeals from the judgment of the district court entered July 24, 2013 in favor of defendants Bed Bath & Beyond and Christmas Tree Shops (collectively "defendants") dismissing her amended complaint alleging employment discrimination. By decision and order also filed July 24, 2013, the district court granted defendants' motion for summary judgment. We assume the parties' familiarity with the underlying facts, the procedural history, and the issues on appeal.

We review *de novo* the district court's grant of summary judgment, with the view that "[s]ummary judgment is appropriate only if the moving party shows that there are no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law." *Miller v. Wolpoff & Abramson, L.L.P.*, 321 F.3d 292, 300 (2d Cir. 2003). On summary judgment, the court must consider "not whether . . . the evidence unmistakably favors one side or the other but whether a fair-minded jury

could return a verdict for the plaintiff on the evidence presented." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986).

Upon such review, we conclude that Dabney's appeal is without merit substantially for the reasons articulated by the district court in its thorough and well-reasoned order. *Dabney v. Christmas Tree Shops and Bed Bath & Beyond*, 958 F. Supp. 2d 439 (S.D.N.Y. 2013). We have considered all of Dabney's remaining arguments and find them to be without merit.

For the foregoing reasons, the judgment of the district court is hereby **AFFIRMED**.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk