



2003 Decisions

Opinions of the United
States Court of Appeals
for the Third Circuit

1-22-2003

Davis v. D'Innocenzo

Precedential or Non-Precedential: Non-Precedential

Docket 02-1631

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-1631

KIMBERLY M. DAVIS,
Appellant

v.

DONETTA M. D'INNOCENZO; JOHN R. MCCARTY;
GARY E. CROWELL; DONALD E. GIBAS;
COMMONWEALTH OF PENNSYLVANIA,
Department of the General Services;
STEVEN GARNER; GREGORY GREEN

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
D.C. Civil No. 99-cv-01428
District Judge: The Honorable William W. Caldwell

Submitted Under Third Circuit LAR 34.1(a)
January 10, 2003

Before: SCIRICA, BARRY, and SMITH, Circuit Judges

(Opinion Filed: January 22, 2003)

OPINION

BARRY, Circuit Judge

Because we write primarily for the parties, who are familiar with the factual underpinnings of this case, we note simply that appellant Kimberly M. Davis filed a complaint on August 9, 1999 against her employer, the Commonwealth of Pennsylvania Department of General Services ("DGS"), and several individual supervisors, alleging discrimination on the basis of race. Appellant raised her non-selection for a position in the Department, as well as various disciplinary suspensions she says she received on the basis of her race and one or more suspensions in retaliation for her having engaged in protected activities.

The District Court had jurisdiction pursuant to 42 U.S.C. 2000 (e), et seq., and pursuant to 28 U.S.C. 1331, 1343, and 1367. Appellate jurisdiction is proper in this Court under 28 U.S.C. 1291.

We will affirm the District Court's grant of summary judgment to defendants substantially for the reasons set forth in the lengthy and comprehensive opinion of the District Court. We agree with the District Court that, among other reasons, appellant's allegations are too conclusory and generalized to engender a material issue of fact as to whether or not discriminatory animus and not legitimate rationales undergirded defendant's employment decisions.

TO THE CLERK OF THE COURT:

Kindly file the foregoing Opinion.

/s/ Maryanne Trump Barry
Circuit Judge