

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 01-3698

RONALD L. SMITH,

Appellant

v.

WILLIAM J. HENDERSON, POSTMASTER GENERAL,  
UNITED STATES POSTAL SERVICE; ADOLPH TESTA;  
MICHAEL BROWN; WILLIAM MILLS, INDIVIDUALLY  
AND IN THEIR OFFICIAL CAPACITY

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

(District Court No. 00-CV-4310)  
District Court Judge: Robert F. Kelly

Submitted Under Third Circuit LAR 34.1(a)  
June 25, 2002

Before: ALITO, AMBRO, and GARTH, Circuit Judges.

(Opinion Filed: July 3, 2002 )

OPINION OF THE COURT

PER CURIAM:

Ronald Smith, a former employee of the United States Postal Service, claims that, in violation of 28 U.S.C. § 2000e-3(a) ("Title VII"), he was terminated in retaliation for a complaint he filed with the postal facility's Equal Employment Office two years earlier. The District Court granted summary judgment to the defendants, and we affirm.

Because we write only for the benefit of the parties, who are familiar with this case, we omit the factual background. The three elements of the prima facie case for retaliation under Title VII are well-settled: (1) the complainant engaged in a protected employee activity, (2) the employer took an adverse employment action after or during the protected activity, and (3) that adverse action is causally linked to the protected activity. See *Weston v. Pennsylvania*, 251 F.3d 420, 430 (3d Cir. 2001).

If the plaintiff establishes the prima facie case, the defendant may rebut the claim by proffering a legitimate, non-discriminatory reason for the adverse action. Once this

reason is proffered, the burden shifts back to the plaintiff to show that the proffered reason is merely pretextual. See *Jones v. School Dist. of Philadelphia*, 198 F.3d 403, 410 (3d Cir. 1999). The plaintiff must then put forward sufficient evidence to satisfy the standard in *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133 (2000).

We conclude that Smith failed to establish a prima facie case of retaliation. Even if he had, Smith also failed to produce evidence that would allow a reasonable fact-finder to reject as pretextual the legitimate, non-discriminatory reason proffered by the Postmaster General. Both failures are fatal to Smith's claim. Therefore, we affirm the order of the District Court.

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JUDGMENT

This cause came to be heard on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted under Third Circuit LAR 34.1(a) on June 25, 2002.

After careful review, it is hereby ORDERED and ADJUDGED that the order of the District Court below is AFFIRMED.

ATTEST:

Clerk

DATED: