

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-3788

KATHLEEN PERSINGER,

Appellant

v.

DELMAR SCHOOL DISTRICT

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civ. No. 02-cv-01447)
District Judge: Honorable Joseph J. Farnan

Submitted under Third Circuit LAR 34.1(a)
June 2, 2005

BEFORE: FUENTES, GREENBERG, and COWEN, Circuit Judges

(Filed: June 14, 2005)

OPINION OF THE COURT

GREENBERG, Circuit Judge.

Appellant Kathleen M. Persinger appeals from an order entered in the district court on August 27, 2004, partially granting her motion to reconsider and to alter and amend the memorandum and order entered in this matter on July 9, 2004, granting the appellee

Delmar School District summary judgment in this employment discrimination case. The August 27, 2004 order left the July 9, 2004 order in place to the extent that it granted Delmar summary judgment.

We have jurisdiction under 28 U.S.C. § 1291 and exercise plenary review on this appeal and thus review the record in the same way as did the district court. See USX Corp. v. Adriatic Ins. Co., 345 F.3d 190, 199 (3d Cir. 2003), cert. denied, 541 U.S. 903 (2004). Consequently, we can affirm only if the pleadings, depositions, answers to interrogatories, admissions, and affidavits show that there is no genuine issue as to any material fact and Delmar is entitled to judgment as a matter of law. See Fed. R. Civ. P. 56(c).

After our review of this matter, we are satisfied that this case and appeal are entirely without merit and, in fact, that Delmar treated Persinger generously. Consequently, the order of August 27, 2004, will be affirmed.