

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-4759

JAMES D. WARREN,

Appellant

v.

CSX TRANSPORTATION, INC.

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil No. 05-cv-00529)
District Judge: The Honorable Joy F. Conti

Submitted Under Third Circuit LAR 34.1(a)
November 2, 2007

Before: RENDELL, WEIS, and NYGAARD, Circuit Judges.

(Filed: November 13, 2007)

OPINION OF THE COURT

NYGAARD, Circuit Judge.

James D. Warren appeals from the October 17, 2006 order of the United States District Court denying his motion for a new trial. He argues that the jury's unanimous verdict in favor of Appellee CSX, is against the weight of the evidence. When reviewing a district court's denial of a motion for a new trial, we afford great deference to the district court and will not reverse without a showing that the district court clearly abused its discretion. *Pryer v. C.O. 3 Slavic*, 251 F.3d 448, 453 (3d Cir. 2001). Put another way, “new trials because the verdict is against the weight of the evidence are proper only when the record shows that the jury's verdict resulted in a miscarriage of justice or where the verdict, on the record, cries out to be overturned or shocks our conscience.” *Klein v. Hollings*, 992 F.2d 1285, 1290 (3d Cir. 1993).

We have reviewed this matter extensively and find no possible basis to disturb the verdict or the District Court's subsequent disposition of the post-trial motions. Overall this case raised classic jury questions and thus the District Court was correct to submit the matter to the jury. The jury unanimously found in favor of the appellee and Warren is bound by the result.