

NOT PRECEDENTIAL

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

No. 10-2793

MICHAEL WAYNE
Appellant
V.

THE GLEN MILLS SCHOOLS

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(No. 2-08-cv-04899)
District Judge: The Honorable Cynthia M. Rufe

Submitted May 24, 2011

Before: McKEE, *Chief Judge*, SCIRICA, *Circuit Judge*,
and RENDELL, *Circuit Judge*

(Opinion Filed: August 26, 2011)

Neil E. Botel, Esq.
Schrom & Shaffer
4 West Front Street
Media, PA 19063

Nicholas Casamento, Esq.
Front Street Lawyers
2 West Baltimore Pike
Flagship Corporate Center, Suite 320
Media, PA 19063

Attorneys for Appellant

Guy Vilim, Esq.
Vilim & Maddox
11 South Olive Street
Second Floor
Media, PA 19063

Attorney for Appellee

OPINION

McKEE, *Chief Judge*.

Michael Wayne appeals the district court's grant of summary judgment in an action that he filed pursuant to Title VII, 42 U.S.C. § 2000e, *et seq.* We will affirm.

Because we write primarily for the parties who are familiar with this case, we need not repeat the facts or procedural history in detail. We note only that Wayne was terminated from his position at Glen Mills following his arrest for possession of marijuana. Wayne, who is Black, alleges that Glen Mills was motivated by racial bias, and that he was treated differently than White colleagues who were similarly situated. He claims those colleagues were not terminated even though they had also been arrested.

In its detailed and well reasoned opinion, the district court determined that Wayne could not establish a *prima facie* case because none of the similarly situated employees outside his protected class received more favorable treatment. All of the employees who had worked under the same supervisor as Wayne and engaged in illegal drug use had been terminated. The district court also held that Glen Mills' zero-tolerance policy with

regard to staff drug use constituted a legitimate, nondiscriminatory reason for Wayne's discharge.

In light of the district court's thoughtful opinion, we need not engage in a redundant analysis only to reach the same result. Accordingly, we will affirm the district court substantially for the reasons set forth in the district court's Memorandum and Order without further elaboration.