

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

NOV 13 2000

PATRICK FISHER
Clerk

ARTHUR R. MORALES,

Plaintiff-Appellant,

v.

LOCKHEED MARTIN
CORPORATION, BOBBIE V.
WILLIAMS, ANTHONY L.
THORNTON, CHARLES E. EMERY,
C. PAUL ROBINSON and
EDWARD D. GRAHAM,

Defendants,

and

SANDIA CORPORATION and
SANDIA NATIONAL
LABORATORIES,

Defendants-Appellees.

No. 00-2029
(D.C. No. CIV-97-350-LH)
(D. N.M.)

ORDER AND JUDGMENT *

Before **BALDOCK** , **KELLY** , and **HENRY** , Circuit Judges.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

After a trial to the court, the district court determined that appellant Arthur Morales failed to prove pretext in his 42 U.S.C. § 1981 suit against his employer for allegedly retaliatory adverse employment actions. Mr. Morales appeals that judgment and also argues that the district court was biased in this case and that he should now be granted a jury trial.

We have examined the pleadings, the briefs of the parties, and the record on appeal. We find no basis upon which to disturb the oral findings of the district court and the judgment in this case, nor do we find evidence of judicial bias. Further, the district court acted well within its discretion in denying Mr. Morales' untimely request for a jury trial.

The judgment of the United States District Court for the District of New Mexico is AFFIRMED. The mandate shall issue forthwith.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge