

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

DEC 16 1998

PATRICK FISHER
Clerk

JONNIE MYERS,

Plaintiff-Appellant,

v.

DEPARTMENT OF HUMAN
SERVICES, sued as Department
of Human Services,

Defendant-Appellee.

No. 97-5235
(D.C. No. 96-CV-684-H)
(N.D. Okla.)

ORDER AND JUDGMENT *

Before **BRORBY** , **BRISCOE** , and **LUCERO** , Circuit Judges.

Plaintiff Jonnie Myers appeals from the district court's grant of summary judgment to defendant on her claim of age discrimination, in violation of the Age

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. §§ 621-634. ¹ We review the district court's decision de novo, applying the same legal standards pursuant to Fed. R. Civ. P. 56(c). See Kaul v. Stephan, 83 F.3d 1208, 1212 (10th Cir. 1996).

On appeal, Ms. Myers contends that she has raised triable questions of fact by controverting defendant's factual statements, alleges that defendant's evidence is flawed and unreliable, and complains that defendant's production of records was untimely and unhelpful. After careful review of the record on appeal together with the parties' briefs and the applicable law, we conclude that the district court correctly decided this case. Therefore, for substantially the same reasons contained in the district court's order dated September 29, 1997, the judgment of the United States District Court for the Northern District of Oklahoma is AFFIRMED.

Entered for the Court

Carlos F. Lucero
Circuit Judge

¹ After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.