

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-7131

September Term, 2013

1:10-cv-01083-RC

Filed On: October 29, 2013

Carlton Clarke,

Appellant

v.

Washington Metropolitan Area Transit
Authority, WMATA,

Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Henderson, Griffith, and Kavanaugh, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the motion for appointment of counsel and the opposition thereto, it is

ORDERED that the motion for appointment of counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

FURTHER ORDERED AND ADJUDGED that the district court's order filed November 14, 2012, be affirmed. Appellee has offered legitimate nondiscriminatory reasons for the termination of appellant. Appellant has failed to produce evidence sufficient for a reasonable jury to find that the asserted reasons were pretextual and that the appellee intentionally discriminated against him. See Jones v. Bernanke, 557 F.3d 670, 678 (D.C. Cir. 2009); Brady v. Office of the Sergeant at Arms, U.S. House of Representatives, 520 F.3d 490, 494 (D.C. Cir. 2008). In addition, the district court did not abuse its discretion in denying appellant's motion for sanctions. See Shepherd v. Am. Broad. Co., 62 F.3d 1469, 1479 (D.C. Cir. 1995).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam