

FILED

MAR 06 2009

*Novak v. England*  
No. 07-35744

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

RYMER, Circuit Judge, concurring in part, dissenting in part:

I agree that the district court properly granted summary judgment on Novak's claims of retaliation and intentional infliction of emotional distress, but I would also uphold the judgment with respect to his discrimination claim on the arguments made to, and for the reasons stated by, the district court.