

April 3, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51099

DIANA ESPARZA,

Plaintiff-Appellant,

versus

TELERX MARKETING, INC.,

Defendant-Appellee.

Appeal from the United States District Court for
the Western District of Texas
(USDC No. 3:04-CV-241)

Before REAVLEY, JOLLY and DeMOSS, Circuit Judges.

PER CURIAM: *

The judgment of the district court is affirmed for the following reasons:

1. In his opinion dated May 10, 2005, the judge rejected the retaliation claim for reasons with which we agree. Esparza was terminated because of her falsification of the record and was unrelated to her simultaneous complaint of objectionable sexual

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

conduct.

2. We also agree with the judge's rejection of the sexual harassment claim in his opinion dated June 11, 2005. However distasteful and objectionable were these events for which she complains, there is no evidence that she perceived them to interfere with her work performance and create an abusive working environment. See Mentor Sav. Bank v. Vinson, 106 S.Ct. 2399, 2405 (1986); LaDay v. Catalyst Technology, Inc., 302 F.3d 474, 482 (5th Cir. 2002).

AFFIRMED.