

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50694
Summary Calendar

LON E. GRINAGE,

Plaintiff-Appellant,

v.

WILLIAM S. COHEN; DEFENSE LOGISTICS AGENCY,

Defendants-Appellees.

Appeal from the United States District Court for the
Western District of Texas, San Antonio
SA-00-CV-653

February 15, 2002
Before DAVIS, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:*

Lon E. Grinage, a former employee of the Department of Defense, appeals from an adverse summary judgment dismissing his employment discrimination complaint brought against the Secretary of Defense and the Defense Logistics Agency. Our de novo review of the record and pleadings before the district court convinces us that the district court correctly determined that Grinage failed to

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

timely exhaust his administrative remedies. To the extent that Grinage attempts to present new evidence or arguments not presented before the court below, they are not considered on this appeal. The judgment of the district court is affirmed essentially for the reasons set forth in the magistrate's report and recommendation which was accepted and adopted by the district court in its order granting summary judgment. The appellant's motion for appointment of counsel is denied.

JUDGMENT AFFIRMED; MOTION FOR COUNSEL DENIED