

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

May 4, 2010

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No. 09-41017  
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Lyle W. Cayce  
Clerk

JAMES J. NUNEZ

Plaintiff-Appellant

v.

CITY OF TEXAS CITY, TEXAS

Defendant-Appellee

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 3:08-CV-80  
\_\_\_\_\_

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant James J. Nunez, a firefighter for Defendant-Appellee City of Texas City, Texas before he was fired by the Fire Chief effective October 15, 2001, appeals the district court's Final Judgment of September 3, 2009, granting summary judgment of dismissal with prejudice of Nunez's claim that his firing was grounded in racial discrimination. Having reviewed the record on appeal in light of the applicable law presented by the parties in their appellate briefs as applied to the relevant facts, we conclude that the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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properly granted the City's motion for summary judgment, dismissing Nunez's action, for the reasons exhaustively and correctly set forth in that court's Memorandum and Order signed on September 3, 2009.

AFFIRMED.