

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20228

Summary Calendar

Ashok Sheth,

Plaintiff-Appellant,

versus

BW/IP International, Inc.,
John Donatiello, Don Segers,
Dan Sheehy, and Otto Rudinger,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Texas
(CA-H-93-4114)

October 18, 1996

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Defendants below appealed the court's motion denying them costs and attorney's fees where the court dismissed the plaintiff's Title VII and ADEA claims with prejudice. It is clear that the district court acted within its discretion in denying costs to the defendants. Fed. R. Civ. P. 54(d); Sheets v. Yamaha Motors, 891 F.2d 533 (5th Cir. 1990). In an employment discrimination suit, a

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

prevailing defendant may only receive attorney's fees where the plaintiff's claim was frivolous, unreasonable, or groundless. United States v. Mississippi, 921 F.2d 604, 609 (5th Cir. 1991). The district court found that the discrimination suit brought by the plaintiff was not without basis and therefore correctly denied these fees. The judgment of the district court is AFFIRMED.