

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 98-20749
Summary Calendar

MARGARET STARKS; RENITA MCCRAY; ROSHELLE LEWIS,
Plaintiffs-Appellants,

VERSUS

KINDERCARE LEARNING CENTERS, INC.,
Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(H-97-CV-3454)

February 19, 1999

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Margaret Starks, Renita McCray, and Roshelle Lewis (hereinafter "plaintiffs") filed suit in the 152nd Judicial District Court of Harris County, Texas against their employer KinderCare Learning Centers, Inc. ("KinderCare") alleging that racially discriminatory personnel actions were taken against each of them including, but not limited to, "demotion, transfer,

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

reprimands, harassments, and termination" in violation of the Texas Human Rights Act, Texas Labor Code § 21.001, et seq. KinderCare removed the case to the United States District Court for the Southern District of Texas on the basis of diversity jurisdiction. After extensive deposition and discovery, KinderCare moved for summary judgment on the grounds that all of the actions taken against each of the plaintiffs were based on legitimate non-discriminatory reasons and that plaintiffs had failed to raise a genuine issue of fact as to whether any of the employment decisions were pretextual or were intentionally discriminatory. The district court granted summary judgment in favor of KinderCare and plaintiffs appealed.

We have carefully considered the briefs, the reply brief, the record excerpts and relevant portions of the summary judgment record itself; and conclude that the district court did not commit reversible error in rendering summary judgment for KinderCare.

AFFIRMED.