

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-51169
Summary Calendar

GEOFFREY E. ROHDE,

Plaintiff-Appellant,

VERSUS

RIPPY SURVEYING CO.; CP RIPPY SURVEYING; CL RIPPY SURVEYING CO.
INC.; RIPPY LAND DEVELOPMENT SERVICES; RIPPY ENGINEERING CO.

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
A-98-CV-179-JN)

August 20, 1999

Before DAVIS, DUHÉ and PARKER, Circuit Judges.

PER CURIAM:¹

Appellant complains to this court of the district court's grant of summary judgment in favor of Defendants dismissing Appellant's constructive discharge claim brought under Title VII. He lists five issues for appeal but in the body of his somewhat rambling brief he discusses others as well. We have given his brief the widest possible reading and considered all arguments advanced in light of the record and find no reversible error by the district court.

First, the district court dismissed the action for failure to

¹Pursuant 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

abide by the time requirements of Title VII. The record clearly demonstrates that this decision was correct. Additionally, the district court found, as an alternative basis for its ruling, that Defendants did not constitute an "employer" as that term is defined in Title VII. That decision is also correct. Finally the district court treated Defendants' Rule 12(b)(6) motion as a Rule 59 motion which it was completely free to do.

Nor do we find any error in the method of calculating or the justification for awarding costs and attorney's fees to Defendant.

AFFIRMED.