

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 21, 2007

Charles R. Fulbruge III
Clerk

No. 07-10401
Summary Calendar

DAVID L. LANG,

Plaintiff-Appellant

v.

JOHN W. SNOW, SECRETARY,
UNITED STATES TREASURY

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
(4:06-CV-120)

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Proceeding pro se on appeal, Plaintiff-Appellant David L. Lang asks us to reverse the district court's summary-judgment dismissal of Lang's employment discrimination and retaliation action against his employer. Lang has asserted that the adverse employment action taken against him was grounded in racial discrimination and retaliation for his prior complaints, contending that the reasons proffered by his employer — including but not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

limited to an incident involving his telling an inappropriate “joke” with sexual innuendo from the podium in a public meeting — was pretext. In response to the employer’s motion for summary judgment, the district court explicated, at length and in considerable detail, the law relative to Lang’s complaints and its application to the largely-uncontested material facts, concluding that Lang had failed to establish a prima facie case of the discrimination he alleged and, alternatively, that even if he had made out such a prima facie case, he had failed to establish that the legitimate, non-discriminatory reasons advanced by his employer for the actions taken were pretextual.

We have reviewed the record on appeal and the law applicable thereto as set forth in the appellate briefs of the parties and the rulings of the district court. As a result of our review, we are convinced that the district court properly granted the government’s motion for summary judgment, dismissing Lang’s action with prejudice. Consequently, for the reasons set forth by the district court in its Memorandum Opinion and Order signed February 1, 2007, the summary judgment of that court is, in all respects, AFFIRMED.