

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 00-60832  
Summary Calendar

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JACINTA C. JOYCE,

Plaintiff-Appellant,

VERSUS

F. WHITTEN PETERS, Acting Secretary of the Air Force,

Defendant-Appellee.

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Appeal from the United States District Court  
For the Southern District of Mississippi

(1:99-CV-423-BrR)

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May 17, 2001

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:\*

In September 1999, Jacinta C. Joyce filed suit against the Secretary of the Air Force alleging discrimination on the basis of her race and as reprisal for prior complaints in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), et seq. Joyce was terminated from her position as a child care assistant in

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the Child Care Center at Keesler Air Force Base in Mississippi after various incidents of child neglect, culminating with an incident when four children, ages three to five, were found missing from their class room in which Joyce was supervisor when their parents came to pick them up. The children were later found unharmed, but an investigation revealed that Joyce was the responsible assistant on duty at the time. Joyce was given a notice of proposed removal and was subsequently terminated in November 1997. The defendant filed an answer and subsequently moved for summary judgment. In a 15-page Memorandum and Order, the district court determined that Joyce had been terminated for a legitimate, non-discriminatory reason and that there was no evidence which would support a finding of pretext as to the reason for her termination. The district court entered a Final Judgment that Joyce take nothing by her suit and Joyce appealed to this Court.

We have carefully reviewed the briefs, the record excerpt, and relevant portions of the record itself. For the reasons stated by the district court in its Memorandum and Order filed under date of November 2, 2000, we affirm the Final Judgment entered by the district court that plaintiff take nothing.

**AFFIRMED.**