

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 01-10182

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WILLIAM FIEGENER

Plaintiff-Appellant,

VERSUS

STMICROELECTRONICS, INC.; SGS-THOMSON MICROELECTRONICS, INC.,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Northern District of Texas  
3:99-CV-788-M

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November 20, 2001

Before GARWOOD, DAVIS and MAGILL\*, Circuit Judges.

PER CURIAM:\*\*

After reviewing the record and considering the briefs and argument of counsel, we are satisfied that the only significant issue presented on appeal is whether Fiegenger presented summary judgment evidence sufficient to raise an inference that the reason

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\*Circuit Judge of the 8th Circuit, sitting by designation.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

given by STM for terminating him instead of the younger employee was pretextual. The magistrate judge excluded the statistical evidence presented by Fiegener and the argument that this evidence was erroneously excluded has not been argued on appeal and is therefore waived. We conclude that the balance of the summary judgment evidence fails to raise an inference of pretext.

AFFIRMED.