

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 02-10627
Summary Calendar

MOSES C. WARD,

Plaintiff-Appellant,

VERSUS

TXU GAS & ELECTRIC CO.,

Defendant-Appellee.

Appeal from the United States District Court
For the Northern District of Texas, Dallas Division

(3:01-CV-79-M)

December 3, 2002

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Plaintiff Moses C. Ward appeals from the district court's grant of summary judgment for defendant TXU Gas & Electric Co. on his 42 U.S.C. § 2000e claims alleging harassment, failure to promote, and illegal termination on the basis of race, as well as illegal retaliation by TXU for Ward's pursuit of these claims. The

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court granted summary judgment on grounds that Ward's EEOC petition was not timely filed, which acts as a bar to further consideration of the claim.

Under 42 U.S.C. § 2000e-5(e)(1) a plaintiff must file an EEOC complaint within 300 days of the date of the last alleged discriminatory act, where he has also filed a complaint with the appropriate state authorities. 42 U.S.C. § 2000e-5(e)(1). Here, the termination date was December 1, 1999. Delaware State College v. Ricks, 449 U.S. 250, 261 (1980). Ward did not file his EEOC complaint until October 11, 2000, however, 315 days after the date of the last alleged discriminatory act. Accordingly, his claim is barred by the statute of limitations. Webb v. Cardiothoracic Surgery Associates of N. Tex., P.A., 139 F.3d 532, 537 (5th Cir. 1998).

The judgment of the district court is AFFIRMED.