

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-20068  
Summary Calendar

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PATRICIA MARSH,

Plaintiff-Appellant,

versus

ST. JOSEPH REGIONAL HEALTH CENTER,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CV-1096  
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November 19, 2002

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Patricia Marsh is appealing the district court's order granting the defendant St. Joseph Regional Health Center's (hereinafter the "hospital") motion for summary judgment on Marsh's Employee Retirement and Income Security Act (ERISA) claims. Marsh contends that the hospital terminated her because she made a claim for injury benefits under the hospital's employee benefit plan.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Marsh failed to come forward with evidence raising an inference that the hospital terminated her with the specific discriminatory intent of retaliation for her seeking benefits under the ERISA plan. Thus, she failed to carry her burden of establishing a prima facie case of discrimination, the necessary first element of an ERISA claim. See Stafford v. True Temper Sports, 123 F.3d 291, 295 (5th Cir. 1997).

Further, Marsh failed to provide any evidence showing that the hospital's stated reason for her termination, the downsizing of the staff, was pretextual or false. Marsh failed to present evidence showing that the true purpose of the action was to deny her benefits under the employee benefit plan. Id.

Marsh failed to satisfy her summary judgment burden of producing evidence showing the existence of genuine issues for trial. See Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986); FED. R. CIV. P. 56(e). Thus, the district court did not err in granting the hospital's motion for summary judgment and dismissing Marsh's complaint.

AFFIRMED.