

August 1, 2003

Charles R. Fulbruge III  
Clerk

In the  
United States Court of Appeals  
for the Fifth Circuit

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m 02-51363  
Summary Calendar

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WILLIAM H. ROYSTER,

Plaintiff-Appellant,

VERSUS

THOMAS E. WHITE,  
SECRETARY OF THE ARMY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
m W-02-CV-201

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Before JOLLY, HIGGINBOTHAM, and SMITH,  
Circuit Judges.

PER CURIAM:\*

William Royster appeals the dismissal of his  
title VII suit against the Secretary of the

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(...continued)

determined that this opinion should not be pub-  
lished and is not precedent except under the limited  
circumstances set forth in 5TH CIR. R. 47.5.4.

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\* Pursuant to 5TH CIR. R. 47.5, the court has  
(continued...)

Army. The district court dismissed because White did not notify an equal employment opportunity counselor within forty-five days of the alleged discrimination.

The district court explained its reasons in a concise order dated October 11, 2002, and entered October 15, 2002. We agree with that court's analysis. In addition to the fact that Royster changed his story from time to time, to make it appear that he had satisfied the deadline, indisputable facts show he was notified of his termination well in excess of forty-five days before he took appropriate action to pursue the matter administratively.

Royster makes an equitable tolling argument. He did not raise that issue in the district court, so we will not consider it.

**AFFIRMED.**