

September 9, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 03-21160
Summary Calendar

GENNIE ERNST,

Plaintiff-Appellant,

versus

SUNBELT RENTALS, INC., A North
Carolina Corporation,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(H-02-0381)

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Gennie Ernst appeals the summary judgment dismissal of her multi-faceted employment discrimination case against her former employer, Defendant-Appellee Sunbelt Rentals, Inc. ("Sunbelt"). All claims asserted by Ernst arise from Sunbelt's termination of her employment, which Sunbelt insists was the result of a reduction in force. Ernst counters that Sunbelt's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

proffered reasons are merely pretext for discrimination based on age, actual or perceived disability, and sex.

The district court considered substantial summary judgment evidence submitted by both parties and filed an order in October, 2003 that patiently, exhaustively, and comprehensively lays out the facts in the light most favorable to Ernst as non-movant, the law applicable to the various grounds of discrimination asserted by Ernst, the application of that law to the facts most favorable to Ernst, and the conclusions reached, all of which are ultimately unfavorable to Ernst. As a result, the district court granted Sunbelt's motion for summary judgment and dismissed all claims by Ernst.

We, in turn, have carefully reviewed de novo the facts and law implicated by this case, including a detailed study of the district court's opinion and equally close consideration of the appellate briefs of the parties and the record on appeal. In the end, we are convinced that Sunbelt is entitled to summary judgment dismissing all claims of proffered by Ernst. The judgment of the district court is, therefore, affirmed in all respects.

AFFIRMED.