

FILED

April 1, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41109
Summary Calendar

DONNA DAVIS,

Plaintiff-Appellant,

versus

COUNTY OF REFUGIO,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 6:02-CV-102

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Donna Davis (hereinafter "Davis"), a Hispanic female, sued her employer, the County of Refugio (hereinafter "the County") in federal district court alleging that the County discriminated against her on the grounds of race when it decided to terminate her employment in violation of Title VII of the Civil Rights Act of 1964. The County filed an answer alleging that Davis was terminated for cause, i.e., insubordination and unsatisfactory performance; and after adequate time for discovery, the County filed a motion for summary judgement. The district court found

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that Davis had failed to present any evidence that the County's legitimate, nondiscriminatory reason for termination of her employment was not believable; and the court further ruled that Davis did not set forth any evidence that race was a motivating factor in the decision to terminate her employment. The district court granted the County's motion for summary judgment and entered a final judgment accordingly. Davis appeals.

We have carefully reviewed the briefs, the record excerpts and relevant portions of the record. For the reasons stated by the district court in its Memorandum and Order filed under date of July 14, 2004, we affirm the final judgment dismissing Davis' claims with prejudice entered on July 14, 2004.

AFFIRMED.