

In the
United States Court of Appeals
for the Fifth Circuit

m 05-30650

MICHAEL NIGRO,

Plaintiff-Appellant,

VERSUS

ST. TAMMANY PARISH HOSPITAL, ET AL.,

Defendants,

ST. TAMMANY PARISH HOSPITAL,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
m 2:04-CV-1483

Before SMITH, BARKSDALE, and DENNIS,
Circuit Judges.

PER CURIAM:*

Michael Nigro sued his former employer for sexual harassment and retaliation. The district court entered summary judgment for the employer.

We have reviewed the briefs, the applicable caselaw, and pertinent portions of the record and have heard the arguments of counsel. We conclude that summary judgment was appropriate.

Nigro was not discriminated against on account of his sex, which is a required element of a sexual harassment claim. His retaliation claim fails because he did not mention sexual harassment in his initial complaint to his superiors, so he cannot base a retaliation claim on the fact that he had filed an EEOC charge. Moreover, he has not shown a causal connection between the EEOC activity and his constructive discharge.

The summary judgment is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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