

March 13, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40459
Summary Calendar

KENNETH BARNETT,

Plaintiff-Appellant,

versus

FORMOSA PLASTICS CORPORATION OF TEXAS,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 6:04-CV-40

Before HIGGINBOTHAM, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:*

This appeal is from a district court's grant of summary judgment in favor of an employer in a race discrimination case. Appellant contends that the district court incorrectly applied *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000), and erred in finding no genuine issues of material fact with respect to his failure to promote claim.

After consideration of the briefs and record on appeal, our de novo review leads us to the inescapable conclusion that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court correctly granted summary judgment. We affirm essentially for the reasons set forth in the memorandum and order of the district court dated March 9, 2005.

AFFIRMED.