

FILED

March 7, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50784
Summary Calendar

HERMUNTH SHIIMI

Plaintiff-Appellant,

versus

HEARNE INDEPENDENT SCHOOL DISTRICT

Defendant-Appellee.

Appeal from the United States District Court for
the Western District of Texas
(USDC No. 6:03-cv-416)

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:*

We affirm for the following reasons:

1. Because Shiimi has withdrawn his motion to proceed *in forma pauperis*, Hearne ISD's motion to oppose the same is moot.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

2. Shiimi only appeals that part of the magistrate's order concluding that he failed to make out his prima facie case of race discrimination. "While the fact that one's replacement is of another national origin 'may help to raise an inference of discrimination, it is neither a sufficient nor a necessary condition.'" *Nieto v. L&H Packing Co.*, 108 F.3d 621, 624 n.7 (5th Cir. 1997). The fact that Shiimi was replaced by another person of the same race does not, in and of itself, negate the possibility that Hearne ISD had animus towards people from Namibia or other native Africans. However, Shiimi does not expound on this alleged national origin bias in any way other than his belief that such bias exists.

Affirmed.