

June 22, 2007

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-60448
Summary Calendar

LARRY L. JONES,

Plaintiff-Appellant,

versus

GEORGE COUNTY SCHOOL DISTRICT,

Defendant-Appellee.

On Appeal from the United States District Court
for the Southern District of Mississippi
No. 1:03-CV-861

Before JONES, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit
Judges.

PER CURIAM:*

Larry L. Jones appeals the jury verdict in favor of
George County School District in this Title VII racial
discrimination case. Although he never moved for judgment as a
matter of law, either before or after the jury verdict, Jones
contends that this court should review the sufficiency of the
evidence. See FED. R. CIV. P. 50. However, the Supreme Court has
held that this court cannot review the sufficiency of the evidence
unless a Rule 50 motion is made both before and after the trial.

* 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opinion should not be published and is not precedent except under the limited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.

See Unitherm Food Systems, Inc. v. Swift-Eckrich, Inc., 546 U.S. 394, --,126 S. Ct. 980, 989 (2006); see also Hodges v. Mack Trucks, Inc., 474 F.3d 188, 195 (5th Cir. 2006). Accordingly, Jones's failure to present a post-verdict Rule 50(b) motion precludes appellate review of the sufficiency of the evidence.

AFFIRMED.