

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 11, 2008

No. 07-10709
Summary Calendar

Charles R. Fulbruge III
Clerk

JAY SANDON COOPER

Plaintiff-Appellant,

v.

DALLAS POLICE ASSOCIATION & GLENN WHITE

Defendants-Appellees.

Appeal from the United States District Court
For the Northern District of Texas
No. 3:05-CV-1778-N

Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Cooper, a white Dallas police lieutenant, appeals the dismissal of his Title VII racial discrimination and retaliation claims against the Dallas Police Association (DPA) and its president, Glenn White. We affirm.

Cooper sued the DPA, the labor organization that represents the Dallas police officers, and White for racial discrimination and retaliation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We agree with the district court that Cooper did not exhaust his administrative remedies as to his discrimination claim. His EEOC charge alleged only that DPA retaliated against him for opposing unlawful acts; it made no reference to discrimination. We also agree with the district court that Cooper's claim against White, who was sued only in his official capacity, is redundant. Indest v. Freeman Decorating, Inc., 164 F.3d 258, 262 (5th Cir. 1999).

The focus of Cooper's retaliation claim is his non-selection as the Deputy Police Chief. He asserts that Chief Kunkle declined to promote him because the DPA damaged his reputation in retaliation for his actions in assisting two officers in prosecuting their discrimination complaints. We agree with the district court that the summary judgment evidence falls short of demonstrating a nexus between the protected action and Cooper's failure to obtain the promotion. Chief Kunkle testified that his promotion decision was not affected by representation of the DPA. He asserted that he only consulted members of his command staff about the promotion. Cooper produced no evidence to refute this testimony or to show that representatives of the DPA influenced Chief Kunkle's decision.

For these reasons and those stated by the district court in its June 7, 2007 order, we AFFIRM the judgment of the district court.