

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2011

No. 10-10228
Summary Calendar

Lyle W. Cayce
Clerk

HAROLD CORNISH,

Plaintiff - Appellant

v.

DALLAS INDEPENDENT SCHOOL DISTRICT,

Defendant - Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:08-CV-1968

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Harold Cornish filed this Title VII suit against the defendant, Dallas Independent School District (“DISD”) when the defendant declined to hire plaintiff as a DISD police officer. Plaintiff asserted that the decision not to hire him was in retaliation for previous EEOC complaints he filed against previous employers. The defendant produced evidence that the reason plaintiff was not hired was because he had been terminated by another police department due to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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misconduct brought to light by an internal affairs investigation and the previous employer had listed him as “no rehire”. The defendant also produced evidence that it had a firm policy in effect that any applicant who had been terminated and listed as “no rehire” would be automatically disqualified for employment with DISD.

The summary judgment evidence fully supports the district court’s conclusion that this automatic disqualification from employment was the cause in fact of the defendant’s “no hire” decision and retaliation was not a cause of that decision.

For the above reasons, together with the reasons advanced in the district court’s careful opinion of February 2, 2010, the judgment of the district court is affirmed.

AFFIRMED.