

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 23, 2012

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No. 11-30783  
Summary Calendar

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Lyle W. Cayce  
Clerk

GAMAL MOUSA,

Plaintiff-Appellant

v.

CAPITAL AREA HUMAN SERVICES DISTRICT

Defendant-Appellee

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Appeal from the United States District Court  
for the Middle District of Louisiana, Baton Rouge  
3:09-CV-770

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Before. HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:\*

This is an appeal from the district court's dismissal of plaintiff's Title VII case on summary judgment.

Mousa was employed by Capital Area Human Services District("CAHSD") on February 19, 2007 in the position of internal auditor. Mousa was in his probationary period at the time of his termination on Friday, February 23, 2007.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-30783

Plaintiff alleged that he was terminated based on his ethnicity (Egyptian) and religion (Muslim).

Mousa's Egyptian ethnicity was established at his employment interview. The uncontested facts demonstrated that the employer had no knowledge of Mousa's religion.

After Mousa started work he almost immediately voiced multiple inappropriate complaints about matters that did not concern him including the organizational chart of the company and his desire to change the company policy manual. He made other inappropriate complaints for a new employee including admonishing his superior for not having been present to welcome him on his first day. He also complained that his furniture and the boxes in his office were worse than you would find in a third world country.

Mousa contended that he was terminated because of his Muslim religion and his Egyptian ethnicity. As indicated above, the uncontested facts reflected that the employer had no knowledge of Mousa's religion so no summary judgment evidence supports the plaintiff's argument that religion played a role in appellant's termination.

Plaintiff made no allegations – except conclusory ones – that ethnicity played a role in his termination. Even if plaintiff established a prima facie case, all the evidence demonstrated legitimate non-discriminatory reasons for Mousa's termination, that is because of his failure to make progress on his single work assignment and his continuous complaints about almost every aspect of his job and the workplace. No credible evidence of pretext was presented.

For the reasons stated above and those stated in the district court's cogent opinion of July 26, 2011, we AFFIRM the judgment of the district court.

**AFFIRMED.**