

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

United States Court of Appeals
Fifth Circuit

FILED

May 28, 2013

No. 12-31212
Summary Calendar

Lyle W. Cayce
Clerk

LOUIS PILLETTE; BERT GRANT,

Plaintiffs - Appellants

v.

M-I, L.L.C., doing business as MI Swaco

Defendant - Appellee

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:11-CV-2300

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the reasons given by that court. We briefly address the claimed errors raised by the plaintiffs.

There was no abuse of discretion by the court in denying another extension of time for discovery after the warning given plaintiffs for their lack of diligence in the court's prior orders.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Plaintiffs allege prior incidents they say demonstrated race and age discrimination, but the only adverse employment action claimed in this lawsuit is their termination. That came in the reduction of workforce by defendant as the result of the stop of work due to a hurricane in the Gulf and moratorium on drilling. Plaintiffs acknowledge the justification for that reduction. Then they fail to present any evidence that their race or age contributed to their termination. They declined transfers to other facilities of defendant, and those employees whom were retained in the skeleton crew included African-Americans and those more than 40 years old. White and younger people were laid off. No evidence is given that their age or race affected any job decision about plaintiffs by defendant, other than their own opinion of their superior work performance.

AFFIRMED.