

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

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No. 17-50456  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
December 14, 2017  
Lyle W. Cayce  
Clerk

JEFF W. COX,

Plaintiff - Appellant

v.

FULL SERVICE AUTO PARTS, INCORPORATED,

Defendant - Appellee

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:16-CV-678

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Before REAVLEY, PRADO, and GRAVES, Circuit Judges.

PER CURIAM:\*

The judgment of the district court is affirmed because the record will not support a claim for relief. The Plaintiff brought a lawsuit against the Defendant in 2013, claiming discrimination of age and disability and because of retaliation for exercising his rights under the Family and Medical Leave Act,

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-50456

he suffered a demotion in employment without receiving reasonable accommodation.

Plaintiff testified that he had suffered a heart attack in 2012 and admitted that he had been completely unable to work and would never be able to work in any capacity. Summary Judgment was entered against Plaintiff on July 9, 2015. Plaintiff did not appeal but this new lawsuit was filed the following year alleging the very same legal claims. His distinction is that the first claim was about a demotion and now it is about his removal from employment rolls by Defendant in 2015.

With his own testimony and the claims rejected by the prior judgment, he has no legal claim standing.

AFFIRMED.