

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

No. 19-60301

United States Court of Appeals
Fifth Circuit

FILED

January 7, 2020

Lyle W. Cayce
Clerk

MARK MULLER,

Plaintiff–Appellant,

versus

MISSISSIPPI POWER COMPANY; JOHN/JANE DOES, 1–10,

Defendants–Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
No. 1:17-CV-339

Before DAVIS, SMITH, and COSTA, Circuit Judges.

PER CURIAM:*

Mark Muller sued his former employer, Mississippi Power Company, for age discrimination under the Age Discrimination in Employment Act and

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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retaliatory discharge under Title VII. The district court granted summary judgment in favor of the employer on both claims. Muller appeals, and we affirm.

The district court issued an impressive eighteen-page Memorandum Opinion and Order explaining the reasons for the summary judgment. On the retaliation claim, the court concluded that Muller was not engaged in protected activity in making the particular statements for which he alleges he was retaliated against. The court concluded that “Muller has failed to show that a reasonable person could have believed that the incidents he opposed violated Title VII.”

As for age discrimination, the district court opined that references to Muller’s age were not direct evidence of discrimination because, *inter alia*, the conversations “occurred after the decision had been made to terminate Muller.” The court concluded that “Mississippi Power has provided a legitimate, non-discriminatory reason for termination.” For example, the court noted that “Muller breached confidentiality” and “was loud, angry, and disrespectful toward management when he was confronted about the breach.”

We have reviewed the briefs, pertinent parts of the record, and the applicable law. We have heard the oral arguments of counsel. There is no error, reversible or otherwise. The summary judgment is AFFIRMED, essentially for the reasons carefully given by the district court.