

United States Court of Appeals
for the Fifth Circuit

No. 23-10277

United States Court of Appeals
Fifth Circuit

FILED

November 30, 2023

ANDREW NGUYEN,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

AT&T,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CV-913

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Andrew Nguyen, *pro se*, appeals a summary judgment denying his claims of race discrimination and retaliation under Title VII. In a careful and thorough ten-page opinion, the district judge concluded that Nguyen had failed to create a genuine issue of material fact to show that he was treated differently because of race. The court further found that Nguyen's suspension and termination were for legitimate non-discriminatory reasons.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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The district court's detailed explanation included, for example, the following:

Plaintiff complains of several instances that he believes show that he was treated differently than other non-Asian employees. Those include: being assigned older work vehicles with various issues and not being given a "brand new" vehicle to drive, failure to receive a bucket truck that he requested after returning from leave (even though the doctor had released him with no restrictions for returning to work), being questioned by his supervisor as to the need for certain requested tools/-equipment, assignment of a parking slot for his personal vehicle, and disciplinary treatment for minor safety infractions when inspected at work sites. As argued by Defendant, none of these complained-of issues were "adverse employment actions, nor are they timely under Title VII because they are outside the 300-day period for bringing claims in a charge of discrimination.

The court also noted that Nguyen was suspended "after making perceived threats of workplace violence to a supervisor." And the court concluded that, regarding discrimination, "Plaintiff has merely proffered his subjective belief that it must have been because of his race."

There is no error. The summary judgment is AFFIRMED, essentially for the reasons given by the district court in its order of February 27, 2023.