

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-1814
Summary Calendar

DOST ARYAN,
VERSUS
DEPARTMENT OF TRANSPORTATION, ET AL.,
CITY OF DALLAS,
Defendant-Appellee.

Plaintiff-Appellant,
Defendants,

DOST ARYAN,
VERSUS
TEXAS EMPLOYMENT COMMISSION, ET AL.,
CITY OF DALLAS,
Defendant-Appellee.

Plaintiff-Appellant,
Defendants,

Appeal from the United States District Court
for the Northern District of Texas
(3:89-CV-1483-AJ c/w 3:90-CV-2776-AJ)

(July 9, 1993)

Before KING, DAVIS and WIENER, Circuit Judges.

PER CURIAM:¹

Dost Aryan appeals the dismissal of his Title VII-ADEA action following a bench trial. We find no error and affirm.

¹Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Mr. Aryan, a native of Afghanistan, a Moslem, and over the age of forty years, sought recovery from his employer, the City of Dallas, under Title VII and the ADEA. He alleged that he was terminated for a number of discriminatory reasons from his employment in 1988. He also alleged that his termination was in retaliation for filing a worker's compensation claim and making complaints to the EEOC.

The reason the City of Dallas terminated Mr. Aryan was hotly contested. The plaintiff produced evidence from which the district court could have inferred that he was terminated for a discriminatory reason. The City of Dallas on the other hand produced competent evidence that it terminated Mr. Aryan because he ignored instructions and refused to follow orders. The district court found the City's witnesses more credible than the plaintiff's witnesses and accepted the reasons for the termination offered by the City. Our review of the record reveals that the findings of the district court are amply supported and are not clearly erroneous.

Accordingly, the judgment of the district court is affirmed.

AFFIRMED.