

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7144
Summary Calendar

WILLIE L. HENRY,

Plaintiff-Appellant,

VERSUS

GULFPORT PAPER COMPANY, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
(1:91 CV 457 GR)

July 12, 1993

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

In a thorough and persuasive seventeen-page opinion, the district court granted the defendant employer's motion for summary judgment in this employment discrimination case, concluding that the plaintiff had not presented evidence, by affidavit or otherwise, sufficient to defeat the employer's assertions, in its well-supported motion for summary judgment, that the plaintiff was terminated solely for poor job performance. In his reply

* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

brief, the pro se plaintiff argues that "[t]he Plaintiff-Appellant have [sic] the right to withhold his impeachable evidence until trial, which is the reason all evidence was not presented before Summary Judgment was entered in this cause." That is not the law, however. See Hanks v. Transcontinental Gas Pipe Line Corp., 953 F.2d 996, 997 (5th Cir. 1992); Dennis v. General Imaging, Inc., 918 F.2d 496, 499 (5th Cir. 1990). Instead, the nonmovant must come forward with evidence to show that there is a disputed issue of material fact. The plaintiff here has not done so.

Accordingly, we AFFIRM, essentially for the reasons assigned by the district court in its well-reasoned opinion.