

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-8521
Summary Calendar

ANTONIO S. HIDALGO,

Plaintiff-Appellant,

VERSUS

FEATHERLITE BUILDING PRODUCTS CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
(EP-93-CV-8)

(December 27, 1993)

Before DAVIS, JONES and DUHÉ, Circuit Judges.

PER CURIAM:¹

Antonio S. Hidalgo challenges the district court's dismissal of his action against his former employer for constructive discharge. Hidalgo concedes that the district court's judgment is correct under **Patterson v. McClean Federal Credit Union**, 491 U.S. 164, 109 S.Ct. 2363, 105 L.Ed.2d 132 (1989) and **Reeves v. MCI Telecommunication**, 909 F.2d 144 (5th Cir. 1990). Hidalgo contends, however, that the Civil Rights Act of 1991 legislatively overruled those decisions and that the Act should be applied retroactively to

¹ Local 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

conduct occurring before the Act. Under the law of this circuit, the provisions of the Act do not apply retroactively. **Johnson v. Uncle Ben's, Inc.**, 965 F.2d 1363 (5th Cir. 1992), **cert. filed**, 61 U.S.L.W. 3356. The district court correctly dismissed this suit.

AFFIRMED.