

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 94-10123  
Summary Calendar

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LEON DAVIS, SR.,

Plaintiff-Appellant,

VERSUS

FIRST WORTHING MANAGEMENT,  
River Crest Village Apartments,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
(3:91 CV 2310 P)

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(August 10, 1994)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:<sup>1</sup>

Appellant, Leon Davis, appeals dismissal of his suit against his former employer claiming racial discrimination and intentional infliction of emotional distress as a result of his discharge. We affirm.

Appellant, an African American, alleges he was discharged from his position as a grounds keeper at Appellee's apartment complex

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<sup>1</sup> 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

because of his race. He sues under Title VII and under state law for intentional infliction of emotional distress. Appellee moved for summary judgment supported by appropriate evidence. Appellant did not oppose or submit any summary judgment evidence. Appellee brought to the district court's attention that its effort to serve its summary judgment papers on Appellant at the address he gave the clerk of court were unsuccessful. After considering Appellee's summary judgment evidence, the district court granted it relief and dismissed Appellant's claims.

Appellant argues that he did not receive notice of the summary judgment or any other orders of the court because he had inadvertently furnished the court with an incorrect address. Appellee concedes that Appellant did not get notice but contends that the burden of his failure to furnish a proper address should fall on Appellant, not on Appellee. We agree.

A litigant, even a pro se litigant, has the burden of furnishing the court with a proper address. Were it otherwise, the business of the courts could not be conducted. See, e.g., Fed. R. Civ. P. 4 & 5. At various times during the course of these proceedings Appellant furnished the district court with different addresses. The last one was apparently incorrect. Good faith efforts by the Appellee to make service on him at that address were unavailing. The consequence of the error must be borne by Appellant.

A review of the Appellee's summary evidence shows that it is complete and adequate for the relief Appellee sought. Since

Appellant submitted no contrary evidence, the district court correctly granted the summary judgment.

AFFIRMED.