

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20249

Summary Calendar

SUSAN OLIVER,

Plaintiff-Appellant,

versus

BANC TEXAS, N.A., Et al.,

Defendant-Appellee.

Appeals from the United States District Court
for the Southern District of Texas
(CA H 93-698)

(August 31, 1994)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

We affirm the summary judgment granted on Susan Oliver's ERISA claim for the reason stated by the trial court: Susan Oliver has not discredited BancTexas's legitimate reason for discharging her. The various state law claims she asserted in the district court are not briefed before this court and are considered waived.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Oliver argues that the motion for summary judgment was briefed before her supervisor was deposed. The testimony she cites does not suffice to raise a fact question about the bank's motive.

AFFIRMED.