

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20530

BRENDA G. KOH,

Plaintiff-Appellant,

versus

WESTERN STRESS, INC.,

Defendant-Appellee.

Appeal from the United States District Court for the
Southern District of Texas
(CA-H-93-0558)

(June 13, 1995)

Before JOLLY and BENAVIDES, Circuit Judges, and FITZWATER*,
District Judge.

PER CURIAM:**

The judgment of the district court is affirmed for the
following reason:

Under either the "pretext plus" standard set forth in
Bodenheimer v. PPG Industries, 5 F.3d 955 (5th Cir. 1993) and

* District Judge of the Northern District of Texas, sitting by
designation.

** 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should not be published.

Rhodes v. Guiberson Oil Tools, 39 F.3d 537 (5th Cir. 1994), rehearing en banc granted by 49 F.3d 127 (5th Cir. 1995), or the language in *St. Mary's Honor Center v. Hicks*, 113 S.Ct. 2742 (1993), which appellant asserts conflicts with *Bodenheimer* and *Rhodes*, Koh has failed to create a genuine issue of material fact as to whether the legitimate, nondiscriminatory reasons offered by Western Stress were pretextual.

AFFIRMED