

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-20636
Summary Calendar

VERA ROBINSON,

Plaintiff-Appellant,

VERSUS

ROBERT RUBIN, SECRETARY OF THE TREASURY,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(CA H 92-1612)

November 24, 1995
Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:¹

This is an appeal of a take-nothing judgment rendered against appellant, Vera Robinson, and in favor of the Secretary of the Treasury in a Title VII case. Ms. Robinson asserted that Mr. Rubin's refusal to advance her was racially motivated. The district court, following a bench trial, concluded that Mr. Rubin did not intentionally discriminate against Ms. Robinson on the

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

basis of her race. The court also determined that Mr. Rubin did not retaliate against Ms. Robinson for filing her EEO complaint.

The evidence at trial was conflicting as to whether Ms. Robinson's supervisor, Mr. Jugo refused to advance her because of poor performance or for some other reason. The district court credited Mr. Jugo's testimony that his refusal to advance Ms. Robinson was due to her lack of qualifications and poor work performance. Similarly, he credited Mr. Jugo's testimony that the agency did not retaliate against Ms. Robinson as the result of her EEO claim.

These findings of the district court are based on his evaluation of the evidence presented at trial. This court accords particular deference to the district court's credibility determinations. We find that the district court's findings amply supported by the record and support the conclusion that the adverse personnel action complained of by Ms. Robinson was not the result of intentional discrimination by appellee. Ms. Robinson also complains that the district court unduly interfered with the trial and that a fundamental miscarriage of justice resulted. Our review of the record reveals that while the trial judge was active in his questioning, there was no blatant intrusion by the judge in this bench trial. For the reasons stated above, the judgment of the district court is AFFIRMED.