

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

---

No. 95-10985  
Summary Calendar

---

TAMARA W DAVIS

Plaintiff - Appellant

VERSUS

PRINTPACK, INC

Defendant - Appellee

---

Appeal from the United States District Court  
For the Northern District of Dallas  
3:94-CV-2307-R

---

April 26, 1996

Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:<sup>1</sup>

Appellant, a black female, sued her former employer alleging that she was terminated due to her race and sex in violation of Title VII of the Civil Rights Act of 1964. The district court granted summary judgment for the employer and Appellant appeals contending that the district court ignored some evidence and erred in holding that there was no issue of material fact as to the

---

<sup>1</sup> Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Appellee's nondiscriminatory reason for discharge or that the Appellant's prima facie case, if made, was successfully rebutted. Our independent review of the record convinces us that all evidence was considered and that no issue of fact was created. We affirm.

Appellant complains of the brevity of the district court's discussion of the evidence but we suspect that is the result of the fact that the evidence, which we do not here recite, is overwhelming in its support of the motion.

Appellant's cause fails for a number of reasons, but primarily because the Appellee's reason for Appellant's discharge (abolishment of her position) is unquestioned by the evidence. The position was abolished in a total reorganization of the management of the company done in a manner recommended by an employee management team on which Appellant herself served. The position was not recreated and none of its duties were transferred to others. The two employees most similarly situated to Appellant, both white males, were similarly treated. Had Appellant stated a prima facie case (which we assume but do not decide) the evidence is totally uncontroverted that she was terminated for a legitimate, nondiscriminatory reason. The totality of the evidence in this record does not permit even the hint of an inference of race or sex discrimination much less raise an issue of material fact.

AFFIRMED.