

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20350
Summary Calendar

BETTE SUE VIETH,

Plaintiff-Appellant,

versus

EXXON CORPORATION, doing business as
EXXON COMPANY UNITED STATES OF AMERICA,

Defendant-Appellee,

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-94-450
- - - - -

December 14, 1995

Before JOHNSON, DUHÉ, and BENAVIDES, Circuit Judges.

PER CURIAM:¹

Bette Sue Vieth appeals from the district court's entry of summary judgment in favor of defendant Exxon Corporation in her suit under the Age Discrimination in Employment Act ("ADEA"). Vieth contends that the district court erred by granting the defendant's motion for summary judgment because genuine issues of material fact existed with regard to Exxon's state of mind and motive for "papering" Vieth's file with unfavorable material. Because Vieth failed to establish the existence of a genuine issue

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

of material fact with regard to whether Exxon's proffered explanation for Vieth's termination was pretextual, the district court did not err by granting Exxon's motion for summary judgment. See *Amburgey v. Corhart Refractories Corp.*, 936 F.2d 805, 812-13 (5th Cir. 1991).

AFFIRMED.