

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 96-20985

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CLARK MALONE, Plaintiff-Appellant,

VERSUS

VINCENT METALS, Defendant-Appellee.

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Appeal from the United States District Court  
For the Southern District of Texas, Houston Division

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( Civil Action No. H-94-4266 )

September 10, 1997

Before DeMOSS, DENNIS, Circuit Judges, and ROSENTHAL<sup>1</sup>, District  
Judge.

PER CURIAM:\*\*

Plaintiff-appellant, Clark Malone asserted claims of racial discrimination in promotion, retaliation for engaging in a protected activity, disparate discipline, racially hostile work environment and intentional infliction of emotional distress against his former employer, Vincent Metals, defendant-appellee. Malone appeals the district court's granting partial summary

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<sup>1</sup> District Judge of the Southern District of Texas, sitting by designation.

\*\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

judgment, final summary judgment, denying a Rule 56(f) motion for continuance and granting a motion for leave to file a second motion

for summary judgment.

We have carefully reviewed the briefs, the record excerpts, the relevant portions of the record itself, and heard oral arguments in this matter. As we find no reversible error, the judgment of the district court is **AFFIRMED**.