

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30408

KURT M. SCHNEIDER,

Plaintiff-Appellant,

VERSUS

GEORGE A. HORMEL & CO., ALAN RASELL,
and
HORMEL FOODS CORPORATION,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
(93-CV-1264"L")

August 26, 1997

Before JOLLY, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Kurt Schneider appeals an adverse jury verdict on his claim under the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 621 *et seq.* We have reviewed the briefs submitted on appeal and applicable portions of the record and have heard the oral arguments of counsel. The primary issue appears to be whether the jury

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

charge reversibly failed to instruct that the jury could infer discrimination from the plaintiff's proof of the *prima facie* case and pretext.

We conclude that the charge could have been more specific in specifying that the jury could infer a discriminatory motive from a finding of pretext. Nothing in the charge, however, indicates that the jury was prohibited from drawing that inference. Neither the charge nor any of the other rulings of the district court that are complained of constitute reversible error.

The judgment, accordingly, is AFFIRMED.