UNITED STATES COURT OF APPEALS
For the Fifth Circuit

_____

No. 97-30511
Summary Calendar
_____

MARTY L. SALMONSON,

Plaintiff-Appellant,

VERSUS

PETRO-MARINE ENGINEERING, INC.,

Defendant-Appellee.

_____

Appeal from the United States District Court
For the Eastern District of Louisiana
(97-CV-634-E)
_____
September 12, 1997

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:[*]

Marty L. Salmonson ("Salmonson") was an at-will employee of Petro-Marine Engineering, Inc. ("Petro-Marine") and was terminated by his employer on August 9, 1991. On February 10, 1992, Salmonson filed a charge with the EEOC in which he claimed that he was discriminated against because of his age. On May 28, 1993, the

---

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

EEOC issued a determination that its investigation "does not establish a violation of the statute"; and on May 28, 1993, issued a Notice of Right to Sue to Salmonson. Salmonson did not file suit until August 4, 1994, more than one year and two months after the EEOC issued the Right to Sue letter. Salmonson's suit claimed rights to recover under both the federal and the Louisiana Age Discrimination statutes. Petro-Marine moved to dismiss on the grounds that both claims were barred by prescription and the statute of limitation defined in the Act. The district court granted such motion and Salmonson appeals.

We have carefully reviewed the briefs, the record excerpts and the relevant portions of the record itself. The law is settled in this Circuit that the 90-day limitations period defined in § 626(e) of the federal ADEA is the exclusive limitations period applicable to ADEA claims and applies to claims which arose prior to the amendment in 1991. *St. Louis v. Texas Workers' Compensation Commission*, 65 F.3d 43, 47 (5th Cir. 1995). Accordingly, the Order of the district court granting the motion of defendant, Petro-Marine, to dismiss this matter is

AFFIRMED.