

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 97-40353
Summary Calendar

OLEN HYDEN,

Plaintiff-Appellant,

VERSUS

GENERAL DYNAMICS CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(B-94-CV-227)

January 7, 1998

O R D E R

Before KING, HIGGINBOTHAM and DAVIS, Circuit Judges.

BY THE COURT:

The opinion in this case originally filed on December 11, 1997 is withdrawn and the attached opinion is substituted in its place.

Appellant challenges the district court's grant of summary judgment in favor of Appellee in this age discrimination action brought under the ADEA, 29 U.S.C. §§ 621 *et seq.* After reviewing the record, we agree with the district court that Appellant failed to produce summary judgment evidence that created a genuine issue of material fact supporting Appellant's claim that he was terminated because of his age. We therefore AFFIRM the district court's judgment.

AFFIRMED.