

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 97-51057  
Summary Calendar

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JUSTO GONZALEZ, JR.,

Plaintiff-Appellant,

VERSUS

U.S. DEPARTMENT OF ARMY; TOGO D. WEST, JR.,  
Secretary of the Army,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
(EP-96-CV-466-F)

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August 13, 1998

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Justo Gonzalez, Jr. (Gonzalez) filed suit in federal court against appellees, U.S. Department of the Army and Togo D. West, Jr., Secretary of the Army (the Army), asserting that the Army refused to promote him to Garrison Manager at Fort Bliss because of sex and national origin discrimination. Gonzalez also alleged the Army retaliated against him because he filed an EEO complaint challenging the Army's discriminatory failure to promote. Gonzalez

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

moved for partial summary judgment on his discrimination claim on October 10, 1997. The Army moved for summary judgment on Gonzalez's discrimination and retaliation claims on October 14, 1997. The district court denied Gonzalez's motion for partial summary judgment and granted the Army's motion for summary judgment on both of Gonzalez's asserted causes of action on November 14, 1997. Gonzalez timely appealed.

We have carefully reviewed the briefs, the reply brief, the record excerpt and relevant portions of the record itself. For the reasons stated by the district court in its 31-page Order signed under date of November 10, 1997 and filed under date of November 14, 1997, we AFFIRM the Final Judgment of the district court signed under date of November 12, 1997 and filed under date of November 14, 1997.

**AFFIRMED.**