

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60070  
Summary Calendar

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JAMES T. KIRKPATRICK,

Plaintiff-Appellant,

versus

YELLOW FREIGHT SYSTEMS, INC.,

Defendant-Appellee.

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Appeal from the United States District Court for the  
Southern District of Mississippi  
(1L96-CV-53 RG)

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August 25, 1997

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

BENAVIDES, Circuit Judge:\*

Appellant James T. Kirkpatrick appeals from an adverse summary judgment dismissing his age discrimination claims against Yellow Freight Systems, Inc. We have carefully reviewed the briefs, pleadings, and summary judgment proof and conclude that appellant's

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

claims on appeal are wholly without merit. Appellant's summary judgment proof fails to raise a genuine material fact issue that his age was a material factor in his termination. We affirm substantially for the same reasons set out in the district court's thorough and well-reasoned Memorandum Order dated January 17, 1997.

AFFIRMED.