

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 98-31377  
Summary Calendar

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FRED ROSS, JR.,

Plaintiff-Appellant,

VERSUS

SCHOOL BOARD VERNON PARISH, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
(96-CV-1586)

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June 11, 1999

Before DAVIS, DUHÉ and PARKER, Circuit Judges.

PER CURIAM:\*

In this employment discrimination action, plaintiff complained that the school board refused to promote him to an assistant principal position because of his race. Defendants filed motions to dismiss and for summary judgment. Defendants attached affidavits to their motions for summary judgment negating any discriminatory reasons for their hiring decision for this position.

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\*Pursuant to 5<sup>TH</sup> 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

The plaintiff failed to respond to the motion and rested on his pleadings. The district court granted summary judgment to defendants.

On appeal, the plaintiff argues that the district court should have warned him of the possible consequences of his failure to respond to the defendants' summary judgment motion. The plaintiff was represented by counsel intermittently during the two-year course of this litigation in the district court. He had ample opportunity to develop the facts in support of his claim. Although plaintiff was not represented when defendants filed their motion, the record does not reflect that he was indigent nor did he offer any other justification for his failure to have counsel handle his suit. Under these circumstances, the district court was not required to give specific warnings of the dangers of lack of counsel. It is also noteworthy that appellant, who is represented on appeal, makes no representations of facts he could develop in opposition to the motion, if he were given an opportunity to do so.

AFFIRMED.