

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

m 98-41387
Summary Calendar

CLYDIA LUCKEY,

Plaintiff-Appellant,

VERSUS

WADLEY REGIONAL MEDICAL CENTER,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
(5:97-CV-247)

September 20, 1999

Before SMITH, WIENER, and
BARKSDALE, Circuit Judges.

PER CURIAM:*

Clydia sued for race and age discrimination and retaliation after being terminated from her employment as a nurse at defendant Wadley Regional Medical Center. The matter was referred, by consent, to a magistrate judge, who conducted a bench trial and found no discrimination.

We affirm, essentially for the reasons stated by the magistrate judge in his findings of fact and conclusions of law. The record shows that Luckey was fired because she (1) had negligently showed a patient who desired confidentiality to be an "information" patient,

thus allowing dissemination of information about her; (2) had failed properly to assess the condition of that patient; and (3) on discovering the severity of the patient's condition, had run from the patient's room, screaming, in a panic, instead of undertaking proper intervention. The magistrate judge was in a position to judge the credibility of the witnesses and to weigh the evidence. We find no clear error in the magistrate judge's finding that the firing was not the result of any discrimination or other unlawful conduct.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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