

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

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No. 99-10160  
Summary Calendar

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MILAGROS C. ALVARADO,

Plaintiff-Appellant,

versus

DILLARD'S DEPARTMENT STORES,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
(98-CV-204-A)

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July 12, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

In this employment discrimination case, Plaintiff-Appellant Milagros C. Alvarado seeks reversal of the district court's denial of her motion to amend her complaint and grant of summary judgment in favor of Defendant-Appellee Dillard Department Stores,<sup>1</sup> dismissing Alvarado's action.

We affirm.

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 Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

<sup>1</sup> The proper name of Defendant-Appellee is Dillard Texas Operating Limited Partnership.

Following the termination of her employment for the purported reason that she had violated company rules by conducting personal business while “on the clock,” Alvarado filed this lawsuit against Dillard’s, advancing retaliation claims under Title VII and national origin discrimination claims under 42 U.S.C. § 1981. Alvarado now concedes that such grounds are not actionable under § 1981.

We have now carefully considered the Memorandum Opinion and Order entered on January 15, 1999 by the district court, and have independently reviewed the summary judgment record on appeal and the law as set forth in the district court’s opinion and the appellate briefs of counsel, both of whom advised in their respective briefs that oral argument would not be helpful in this case. As a result of our review, we are convinced that the district court was correct in its grant of Dillard’s motion for summary judgment dismissing Alvarado’s lawsuit. Therefore, for the reasons given by the district court, its judgment is, in all respects,

**AFFIRMED.**