

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

United States Court of Appeals
Fifth Circuit

FILED

August 13, 2013

Summary Calendar
No. 13-30241

Lyle W. Cayce
Clerk

EDDIE CULBERT

Plaintiff-Appellant

v.

CLECO CORPORATION

Defendant-Appellee

Appeal from the United States District Court for the
Western District of Louisiana (Shreveport)
USDC No. 5:11-cv-01698

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Eddie Culbert, a former employee of Defendant-Appellee Cleco Corporation (“Cleco”), appeals the summary judgment dismissal of his claims of race discrimination and retaliation under Title VII of the Civil Rights Act of 1964, Section 1981 of the United States Code, the Louisiana Employment Discrimination Law, and the Louisiana Commission on Human

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Rights. In previously granting a prior Motion for Summary Judgment filed by Cleco, the district court dismissed Culbert's Title VII claims, state law claims, and ADEA claims, leaving now only the district court's February 18, 2013 judgment that dismissed with prejudice Culbert's § 1981 claims grounded in failure to promote, pay discrimination, racial discrimination, retaliation, hostile work environment, and constructive discharge.¹

We have reviewed the respective positions of the parties on appeal as set forth in their briefs and the record on appeal, including the district court's lengthy and comprehensive Memorandum Ruling on which its grant of Cleco's second Motion for Summary Judgment is based. Disagreeing with Culbert's contentions that the district court erred in granting Cleco's second Motion for Summary Judgment and that the conflicting evidence raises genuine issues of material fact, we conclude in our de novo review that the district court's grant of Cleco's second Motion for Summary Judgment was not reversible error. Accordingly, the aforesaid Judgment of February 18, 2013 dismissing all remaining claims of Culbert against Cleco is

AFFIRMED.

¹ Neither Culbert nor Cleco has requested oral argument on appeal.