

August 12, 2003

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 02-51336

FLORENCIO P. SAUCEDA,

Plaintiff-Appellant,

versus

CITY OF DEL RIO, by and through its City Council; DORA
ALCALA, Mayor, in their individual capacities; RANDY POHLER,
in their individual capacities,

Defendants-Appellees.

Appeal from the United States District Court
For the Western District of Texas
No. DR-01-CV-4-OLG

Before EMILIO M. GARZA and DENNIS, Circuit Judges, and VANCE*, District Judge.

PER CURIAM:**

Florencio P. Saucedo appeals the district court's summary judgment dismissal of his claims against the City of Del Rio, Texas ("the City") and various individual defendants. This dispute arises

* District Judge of the Eastern District of Louisiana, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

out of the City's termination of Saucedá's employment as city manager. On appeal, Saucedá contends that he is entitled to severance benefits because the City failed to comply with the good cause provision of his employment contract. Saucedá argues that his rejection of the City's offer of a good cause hearing did not waive his rights under that provision. Saucedá also contends that the City Council's actions in terminating his employment violated the Texas Open Meetings Act, TEX. GOV'T CODE § 551.001 *et seq.*

We have read the briefs, heard the arguments of counsel, and consulted the pertinent portions of the record. On the basis of the applicable law and the record, we affirm the dismissal of Saucedá's claims for essentially the same reasons as those given by the district court. In particular, we affirm the district court's conclusion that Saucedá waived any right to a good cause determination by rejecting the City's offer to hold a hearing on good cause.

AFFIRMED.