

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 13, 2025

Lyle W. Cayce
Clerk

No. 24-60319
Summary Calendar

TERRY BUSH,

Plaintiff—Appellant,

versus

BORIS BRANDON, *Director of Facility-Harlow's Casino*; ROSCOE GREEN, *General Manager/President-Harlow's Casino*; SW GAMING, L.L.C.; CHURCHILL DOWNS, INCORPORATED, HEADQUARTERS; HARLOW'S CASINO HOTEL AND SPA,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:23-CV-147

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Terry Bush sued his employer and two of its employees, alleging various claims under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621-634, and state law. On the defendants' motions, to which

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Bush did not respond, the district court dismissed the complaint for failure to state a claim for relief. On appeal, Bush challenges only the dismissal of his retaliation claim under the ADEA and has abandoned any challenge to the dismissal of his other claims. *See Mapes v. Bishop*, 541 F.3d 582, 584 (5th Cir. 2008).

As an initial matter, we are unpersuaded by the appellees' assertion that we should treat Bush's contentions as wholly forfeited; rather, we consider his arguments challenging the grounds for the district court's dismissal of his ADEA retaliation claim. *See Kasmatuka v. U.S. Dep't of Homeland Sec.*, 7 F.4th 327, 329-31 (5th Cir. 2021). Nevertheless, we do not reach Bush's arguments that he raises for the first time in his reply brief. *See Peteet v. Dow Chem. Co.*, 868 F.2d 1428, 1437 (5th Cir. 1989). As to the ADEA retaliation claim, we agree with the district court that Bush's complaint was conclusory and lacked sufficient factual allegations to state a claim for relief. *See Norsworthy v. Houston Indep. Sch. Dist.*, 70 F.4th 332, 336-37 (5th Cir. 2023); *Raggs v. Mississippi Power & Light Co.*, 278 F.3d 463, 471-72 (5th Cir. 2002); *see also Dorsey v. Portfolio Equities, Inc.*, 540 F.3d 333, 338, 341 (5th Cir. 2008).

AFFIRMED.