

**UNITED STATES COURT OF APPEALS  
for the Fifth Circuit**

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No. 93-1194

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ANA MARIA SOARES,  
on behalf of herself and others similarly situated,

Plaintiff-Appellant,

VERSUS

ROBERT B. REICH, Secretary of Labor, U.S. Department of Labor,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
(3:91-CV-0771-G)

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(November 4, 1993)

Before DUHÉ and EMILIO M. GARZA, Circuit Judges and Black<sup>1</sup>, District Judge.

PER CURIAM:<sup>2</sup>

At the close of Plaintiff's case in chief in this Title VII proceeding, the Department reurged its previously filed motion for summary judgment and the district court granted it. The district court found that Plaintiff failed to make a prima facie case of discrimination and that there was no evidence in the record that national origin or sex had any bearing on her termination. The district court did find that Plaintiff made a prima facie case of retaliation arising out of her June 9, 1985 letter to the Solicitor of Labor. However, the district court also found that the Department articulated a legitimate non-discriminatory reason for Plaintiff's discharge which was not pretextual. That reason was her lack of cooperation and failure to follow instructions which continued after the June 9th letter and before the discharge decision was made. Plaintiff appeals.

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<sup>1</sup> Chief Judge of the Southern District of Texas, sitting by designation.

<sup>2</sup> Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

We examine under the clearly erroneous standard. Fed. R. Civ. P. 53, 42 U.S.C. § 2000e-5(f)(5) (1988).

Having carefully reviewed the record and the briefs of counsel and having heard argument in the matter, we are satisfied that the district court came to the proper result and that no error occurred. Accordingly, the judgment of the district court is

AFFIRMED.