

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 97-10698

Summary Calendar

---

VINCENT ROJAS,

Plaintiff-Appellant,

v.

GARDERE & WYNNE,

Defendant-Appellee.

---

Appeal from the United States District Court  
for the Northern District of Texas, Dallas  
(3:96-CV-1261-P)

---

November 25, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

This is an appeal from the district court's grant of summary judgment in favor of the defendant in this Title VII race discrimination and retaliation case. The district court provided an excellent Memorandum Opinion and Order in which it set out each of the plaintiff's claims and the law applicable thereto and

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

carefully considered all of the summary judgment evidence. The arguments that the plaintiff urges on appeal were addressed by the district court and we cannot improve on the reasons that it gave for rejecting them. In summary, we agree with the district court that the defendant articulated a legitimate, non-discriminatory reason for terminating the plaintiff, specifically his insubordination, and that the plaintiff failed to come forward with evidence that this reason was a pretext masking discriminatory animus. The defendant's treatment of other employees does not suffice to show pretext because the summary judgment evidence reflects that these employees were disciplined for poor work performance rather than insubordination. The district court's judgment is affirmed for the reasons given by the district court.

AFFIRMED.