

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

No. 97-50198
Summary Calendar

CURTIS IVY,

Plaintiff-Appellant,

versus

SOUTHERN PACIFIC TRANSPORTATION COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-96-CV-90

November 19, 1997

Before JONES, SMITH and STEWART, Circuit Judges.

PER CURIAM:*

Curtis Ivy, proceeding pro se and in forma pauperis, appeals the district court's grant of summary judgment in favor of his former employer, Southern Pacific Transportation Company (Southern Pacific), dismissing Ivy's claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and 42 U.S.C. § 1981. Ivy argues that the district court erred in granting summary judgment for Southern Pacific on his claims because he was discriminated against in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

discharge and discipline on the basis of his race. He also contends that Southern Pacific created a hostile work environment and that he was retaliated against because he filed complaints with the Equal Employment Opportunity Commission.

After conducting a de novo review of the record and the parties' briefs, we perceive no reversible error in the district court's decision. See EEOC v. Texas Instruments, Inc., 100 F.3d 1173, 1179 (5th Cir. 1996); Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 254-55 & n.10 (1981); Shirley v. Chrysler First, Inc., 970 F.2d 39, 42 (5th Cir. 1992). Accordingly, the judgment of the district court is AFFIRMED. Ivy's motion for relief from judgment or order is DENIED.

AFFIRMED; MOTION DENIED.