

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 3, 2022

Lyle W. Cayce  
Clerk

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No. 21-11116  
Summary Calendar

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JOSY L. PENN,

*Plaintiff—Appellant,*

*versus*

ARMY & AIR FORCE EXCHANGE SERVICE; LLOYD AUSTIN,  
SECRETARY, U.S. DEPARTMENT OF DEFENSE, IN HIS OFFICIAL  
CAPACITY AS SECRETARY OF DEFENSE; TOM SHULL,  
DIRECTOR/CEO AAFES,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:21-CV-402

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Before CLEMENT, HO, and OLDHAM, *Circuit Judges.*

PER CURIAM:\*

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-11116

Appellant fails to present any non-frivolous arguments on appeal. Accordingly, the judgment of the district court is AFFIRMED. *See* 5TH CIR. R. 47.6.