

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2023

Lyle W. Cayce
Clerk

No. 22-40205
Summary Calendar

DAVID DAMAS,

Plaintiff—Appellant,

versus

TEXAS HEALTH PRESBYTERIAN FLOWER MOUND,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:20-CV-686

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

The plaintiff in this case, David Damas, claims that his former employer, Texas Health Presbyterian Flower Mound (“the Hospital”), discriminated against him in violation of Title VII of the Civil Rights Act of 1964. Damas was a respiratory therapist who was responsible for helping

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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patients with breathing problems. Over the course of his employment with the Hospital, Damas received numerous performance-related warnings due to his repeated failures to comply with hospital policies. Several of these failures put the health of his patients at risk. As explained in the report of the magistrate judge, the Hospital terminated Damas for those failures. Damas presents no *prima facie* case for discrimination because he has no evidence that similarly situated employees were treated differently. And he provides no evidence that the Hospital's stated rationale for firing him was pretext for discrimination.

The judgment of the district court is AFFIRMED. We find no reversible error of law or fact and affirm essentially for the reasons stated in the thorough report of the magistrate judge and adopted by the district court.