

United States Court of Appeals for the Fifth Circuit

No. 25-50791
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2026

Lyle W. Cayce
Clerk

DR. CHINYERE U. ANYANWU,

Plaintiff—Appellant,

versus

CITY OF SAN ANTONIO, *Acting by and through its Agent City Public
Service Board, doing business as CPS Energy,*

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:24-CV-76

Before HAYNES, GRAVES, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Dr. Chinyere U. Anyanwu served as Director of Organization Development and Culture of CPS Energy, a municipal corporation owned and operated by the City of San Antonio. After a series of internal ethics complaints against Anyanwu, the City launched an investigation conducted by an independent third-party that “revealed multiple instances of

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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unprofessional behavior and policy violations.” Following the investigation, she was terminated. She then sued, alleging discrimination based on her race (African American), national origin (Nigerian), age, and religion (Christian) under both state and federal law. The City moved for summary judgment which was granted by the district court. Anyanwu appeals.

The district court concluded that, even if Anyanwu was able to support a *prima facie* case of discrimination under any theory, she did not create a genuine dispute of material fact that her termination was pretextual. On appeal, Anyanwu advances three arguments.

First, she argues that the investigation was flawed because it relied in part on statements by Kevin Greene, who she alleges is biased against her, while investigators failed to interview one of her preferred witnesses. But “the mere fact that [defendant] did not conduct these investigations as [plaintiff] might have preferred is not sufficient to show” pretext. *Owens v. Circassia Pharms., Inc.*, 33 F.4th 814, 829 (5th Cir. 2022).

Second, she asserts that the complaints against her were mere “workplace tribulations” that lacked credibility. Still, “[s]imply disputing the underlying facts of an employer’s decision is not sufficient to create an issue of pretext.” *LeMaire v. La. Dep’t of Transp. & Dev.*, 480 F.3d 383, 391 (5th Cir. 2007). And an employer is allowed to terminate an employee based on which version of contested facts it believes. *See id.* Anyanwu cannot show pretext by relitigating the investigation.

Finally, she again argues that the investigation yielded contested facts. But merely disagreeing with an employer’s assessment of the evidence is not, by itself, evidence of improper motivation. “Management does not have to make proper decisions, only non-discriminatory ones. Employment discrimination laws are not intended to be a vehicle for judicial second-guessing of business decisions, nor to transform the courts into personnel

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managers.” *Bryant v. Compass Grp. USA Inc.*, 413 F.3d 471, 478 (5th Cir. 2005) (citation modified); *see also Sandstad v. CB Richard Ellis, Inc.*, 309 F.3d 893, 899 (5th Cir. 2002) (“Merely disputing Appellee’s assessment of [her] performance will not create an issue of fact.”).

Anyanwu has not pointed to any evidence creating a genuine dispute of material fact that her firing was pretextual, so summary judgment on her federal claims was properly granted. And since her state law claims under the Texas Commission on Human Rights Act are analyzed under an identical standard to her federal claims, summary judgment was likewise appropriate on those claims as well. *Shiyan Jiang v. Tex. Comm’n on Env’t Quality*, 321 F. Supp. 3d 738, 745 (W.D. Tex. 2018).

AFFIRMED.