

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 20, 2026

No. 26-20097
Summary Calendar

Thomas B. Plunkett, III
Clerk

DUY DIHN DO,

Plaintiff—Appellant,

versus

COMCAST CABLE COMMUNICATIONS MANAGEMENT, L.L.C.,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-1358

Before JONES, HO, and WILSON, *Circuit Judges*.

PER CURIAM:*

In January 2023, Duy Dihn Do was terminated from Comcast Cable Communications Management, LLC. Do subsequently filed suit against Comcast alleging discrimination and retaliation on the basis of sex under Title VII, discrimination and retaliation on the basis of race and ethnicity in violation of Section 1981, and interference and retaliation pursuant to the

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

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Family and Medical Leave Act of 1993 (FMLA). The district court later dismissed Do's Title VII claim. Do had "no objection to dismissal" of the Title VII claim after Comcast filed its partial motion to dismiss. Do then filed his second amended complaint that only included the Section 1981 and FMLA claims. Do later sought leave to amend his complaint to add a "cause of action for witness retaliation in violation of [Title VII] and the Americans [w]ith Disabilities Act." The district court denied that motion.

Comcast then filed a motion for summary judgment. After a hearing, the district court granted summary judgment and entered final judgment for Comcast. Do timely appealed.

On appeal, Do argues that he successfully established a prima facie case of retaliation based on Title VII's participation clause. Do's reply brief further confirms his reliance on Title VII. This court does not address issues not raised in the district court, let alone issues that were voluntarily dismissed. *See Vela v. City of Houston*, 276 F.3d 659, 678 (5th Cir. 2001).

Do never directly addresses the Section 1981 claim nor how his Title VII claim connects to it. He never mentions the FMLA claim. These claims are thus forfeited. *See Cinel v. Connick*, 15 F.3d 1338, 1345 (5th Cir. 1994).

We AFFIRM the judgment of the district court.