

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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01-40724  
Summary Calendar

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LEROY EVANS, JR.,

Plaintiff-Appellant,

v.

CITY OF KINGSVILLE,

Defendant-Appellee.

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Appeal from the United States District Court for the  
Southern District of Texas  
(C-00-CV-327)

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January 31, 2002  
Before DAVIS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

Leroy Evans, Jr. (Evans) appeals from an adverse summary judgment dismissing his claims of race discrimination and age discrimination against the City of Kingsville (City). The district court concluded that Evans had not raised a fact issue with respect to the City's articulated non-racial reasons for rejecting Evans for the positions sought. Additionally, the district court

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

rejected and barred Evans' age discrimination claim because Evans had not raised the claim before the Equal Employment Opportunity Commission.

We must affirm. Evans presents not one shred of evidence to rebut the non-discriminatory reasons articulated by the City for his non-selection to the positions he sought, and he clearly failed to exhaust his administrative remedies with respect to his age discrimination claim. We affirm for the reasons set forth in the district court's thorough and well-reasoned order granting summary judgment dated May 21, 2001.

AFFIRMED.