

May 4, 2004

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
For the Fifth Circuit**

No. 03-11203
Summary Calendar

ARLEIGH A. MILLER,

Plaintiff-Appellant,

VERSUS

DONALD H. RUMSFELD, SECRETARY,
DEPARTMENT OF DEFENSE,

Defendant-Appellee.

Appeal from the United States District Court
For the Northern District of Texas, Dallas

(3:01-CV-2108-H)

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Arleigh A. Miller (hereinafter Plaintiff) filed suit in October, 2001, against Donald H. Rumsfeld (hereinafter Defendant) in his official capacity as Secretary of the Department of Defense and Operator of the Army and Air Force Exchange Service (AAFES) by

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

whom Plaintiff was employed. Plaintiff asserts that she was discriminated against on the basis of age and retaliated against for asserting her age discrimination claim in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* ("ADEA"). In March, 2003, Defendant filed a motion for summary judgment which the district court granted in October, 2003, by a ten page memorandum opinion and order. Plaintiff timely filed this appeal.

We have carefully examined the briefs, the record excerpts and relevant portions of the record itself. For the reasons stated by the district court in its memorandum opinion and order filed on October 14, 2003, we affirm the final judgment entered by the district court in favor of Defendant entered on October 14, 2003. AFFIRMED.