

June 14, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60923
Summary Calendar

MYRA JONES,

Plaintiff-Appellant,

versus

GENERAL NUTRITION CENTER INCORPORATED,

Defendant-Appellee.

Appeals from the United States District Court
for the Southern District of Mississippi
USDC No. 3:02-CV-1195-WS

Before REAVLEY, HIGGINBOTHAM, and CLEMENT, Circuit Judges.

PER CURIAM:*

Mrya Jones seeks to proceed in forma pauperis (IFP) on appeal following the district court's judgment granting the defendant's summary-judgment motion and dismissing her 42 U.S.C. § 2000(e) complaint. In her complaint, Jones alleged that she was fired because of her religious beliefs and practices.

This court may authorize Jones to proceed IFP on appeal if she is unable to pay the costs of the appeal and the appeal is taken in good faith, i.e., the appeal presents nonfrivolous

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issues. FED. R. APP. P. 24(a)(1); see Holmes v. Hardy, 852 F.2d 151, 153 (5th Cir. 1988).

Jones has failed to demonstrate that her appeal would involve nonfrivolous issues. The summary-judgment evidence showed that General Nutrition Centers, Inc., had articulated a legitimate nondiscriminatory basis for Jones's termination and she had not borne her burden of establishing that the articulated reason was pretextual. Threadgill v. Prudential Sec. Group, Inc., 145 F.3d 286, 292 (5th Cir. 1998); McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-03 (1973). Jones's motion for IFP is therefore denied and her appeal dismissed. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

APPEAL DISMISSED.