

January 31, 2007

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-60509
Summary Calendar

REGINA RAY,

Plaintiff-Appellant,

versus

LEVI STRAUSS & CO,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
No. 3:04-CV-558

Before JONES, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit
Judges.

PER CURIAM:*

Appellant Regina Ray appeals the district court's grant of summary judgment to Levi Strauss & Company ("Levi Strauss") on her age discrimination claim. The district court correctly concluded that Ray cannot show that Levi Strauss's legitimate, nondiscriminatory reason – Ray's poor performance – is pretextual. Having carefully reviewed this appeal in light of the briefs and pertinent parts of the record, we find no reversible error of law

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

or fact and therefore AFFIRM for essentially the reasons stated by the trial court.¹

¹ Ray also contends that the district court erred in applying pre-Reeves case law to her employment discrimination case; however, a careful review of the district court's opinion reveals that the court applied the correct legal standards. See Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 120 S. Ct. 2097 (2000); Bryant v. Compass Group USA Inc., 413 F.3d 471, 478 (5th Cir. 2005) (citing Little v. Republic Refining Co., 924 F.2d 93, 97 (5th Cir. 1991)).