

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-5713  
Summary Calendar  
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ABEL H. HERNANDEZ,

Plaintiff-Appellant,

versus

DONALD B. RICE, Secretary of  
the Air Force, and KELLY AIR  
FORCE BASE,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Western District of Texas  
(SA-90-CV-743)

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(October 12, 1993)

Before GARWOOD, JONES, and EMILIO GARZA, Circuit Judges.\*

PER CURIAM:

We agree with the reasons given by Judge Prado in granting the summary judgment motion of defendants-appellees, to which plaintiff-appellant did not respond. Appellant presents no valid basis for reversing the judgment. Moreover, it is plain that this

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Title VII suit for an allegedly derogatory remark in appellant's medical records was wholly frivolous. As previously stated in a related case brought by appellant against appellees, *Hernandez v. Rice*, No. 91-5785 (5th Cir. Sept. 29, 1992) (unpublished), we grant appellees' request for attorney's fees and double costs under Fed. R. App. P. 38; appellees are awarded \$250 and double costs against appellant, same to be paid to the Secretary of the Air Force.

JUDGMENT AFFIRMED; \$250 and double costs awarded appellees under Fed. R. App. P. 38