

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 93-5254
Summary Calendar

NANCY ALLISON,

Plaintiff-Appellant,

VERSUS

GULF EMPLOYEES CREDIT UNION,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas

(92-CV-469)

(July 25, 1994)

Before GARWOOD, SMITH and DeMOSS, Circuit Judges.

PER CURIAM:*

Allison, an African-American female, sued her employer, Gulf Employees Credit Union ("GECU") in a wrongful discharge case alleging "pretext" and "mixed motive" racial discrimination under Title VII of the Civil Rights Act of 1991 (the "Act"), 42 U.S.C. § 2000(e), et seq. GECU moved for summary judgment and the district

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

court determined that:

- (1) the uncontradicted summary judgment evidence showed that Allison was replaced by another African-American female; and that consequently Allison failed to sustain her burden of establishing a prima facie case under her pretext theory; and
- (2) under her "mixed motive" theory (recognized by the Supreme Court in Price Waterhouse v. Hopkins, 490 U.S. 228 (1989) and codified in the 1991 amendment to the Act as 42 U.S.C. § 2000(e)-2(m)), Allison failed to make a "prima facie" showing by direct or circumstantial evidence that race played a "motivating" or "substantial" role in her employer's decision to terminate.

We have carefully reviewed the briefs, the record excerpts and pertinent portions of the summary judgment record itself and agree with the determinations made by the trial court.

Accordingly, the judgment of the trial court granting GECU's motion for summary judgment is AFFIRMED.