

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40689
Summary Calendar

JOBETH RUSSELL; TERESA BOBB,

Plaintiffs-Appellants,
Cross-Appellees,

versus

DILLARD DEPARTMENT STORES, INC.,

Defendant-Appellee,
Cross-Appellant.

Appeal from the United States District Court for the
Eastern District of Texas
(1:95-CV-84)

July 29, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.*

PER CURIAM:

Jobeth Russell and Teresa Bobb appeal the grant of partial summary judgment of the federal claims against Dillard Department Stores, Inc. Dillard Department Stores, Inc., cross-appeals the remand of the state law claims.

*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the briefs and the record and find no error in the district court's determinations on these issues. We affirm the grant of partial summary judgment and the remand of the state law claims essentially for the reasons stated by the magistrate judge and as adopted by the district court. *Russell v. Dillard Department Store*, No. 1:95-CV-84 (E.D. Tex. June 5, 1995). There was no evidence Dillard or its agents or employees acted on the basis of race; nor was there any abuse of discretion in the remand of the state law claims.

AFFIRMED