

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 96-50184
Summary Calendar

RAFAEL S. RAMIREZ

Plaintiff-Appellant,

VERSUS

TOGO D. WEST, JR. Secretary, Department of the Army

Defendant-Appellant.

Appeal from the United States District Court
For the Western District of Texas
(SA-95-CV-244)

August 9, 1996

Before SMITH, DUHÉ and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Ramirez appeals the grant of summary judgment dismissing his gender discrimination claim against his employer. We affirm.

Appellant complains that the district court erred in granting summary judgment before discovery was completed and when issues of fact were present. Ramirez does not show what effect further

¹Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

discovery would have had on any issue raised by the motion, nor what evidence he would have produced. We note that he too had moved for summary judgment before the court acted. Nor does he show that the evidence presented to the district court created an issue as to any fact material to the decision. We have carefully reviewed the briefs of the parties and the record and hold that the district court did not commit reversible error. Accordingly, essentially for the reasons given by the district court in its Order signed on February 14, 1996, we affirm.

AFFIRMED.