

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-10263
Summary Calendar

GERALD GLASSCOCK,

Plaintiff-Appellant,

VERSUS

CITY OF DALLAS,

Defendant-Appellee.

Appeal from the United States District Court
For the Northern District of Texas

(3:96-CV-366-H)

January 7, 1998

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM*:

Plaintiff-Appellant Gerald Glasscock, an employee of the Dallas Water Utilities Department (DWU), alleged claims of discrimination in violation of the American with Disabilities Act, 42 U.S.C. § 12112 et seq., and the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq. against his employer. On September 16, 1994,

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Glasscock refused to take a drug/alcohol test ordered by Charles Stringer, the DWU Division Manager. By letter dated October 14, 1994, Stringer terminated Glasscock for insubordination because he had refused to take the drug/alcohol test. On February 14, 1997, the district court heard oral arguments for the parties and granted summary judgment in favor of the City of Dallas.

After carefully reviewing the briefs, record excerpts, and relevant portions of the record itself, we find no reversible error. Assuming *arguendo* that Glasscock established a *prima facie* case, he failed to show that the City of Dallas's legitimate, nondiscriminatory reason for terminating Glasscock was pretext for discrimination. Accordingly, the judgment of the district court is AFFIRMED.