

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10434  
Summary Calendar

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ALLEN McDANIEL,

Plaintiff-Appellant,

versus

BRUCE BABBITT, Secretary, United States  
Department of the Interior,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
(3:96-CV-3423-G)

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November 12, 1998

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Allen McDaniel appeals the summary judgment dismissing his Title VII retaliation action contending that his non-selection for a promotion was the result of his prior complaint of discrimination. He asserts that he presented substantial evidence to establish a material fact issue as to whether he was the most qualified candidate for the promotion and, therefore, whether the reason given for his non-selection was a pretext for unlawful retaliation. Pursuant to our review of the record and the briefs,

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

we **AFFIRM** essentially for the reasons stated by the district court. See *McDaniel v. Babbitt*, No. 3:96-CV-3423-G (N.D. Tex. Feb. 11, 1998) (unpublished).

***AFFIRMED***