

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10481

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REBECCA SHERROD,

Plaintiff-Appellant,

v.

AMERICAN AIRLINES, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas, Dallas  
(3:97-CV-1373-D)  
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November 20, 1998

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit  
Judges.

PER CURIAM:\*

Rebecca Sherrod ("Sherrod") once again appeals from a summary judgment dismissing a retaliation claim brought against American Airlines, Inc. ("American"). In Sherrod v. American Airlines, Inc., 132 F.3d 1112 (5th Cir. 1998) ("Sherrod I"), we upheld a summary judgment against Sherrod wherein she claimed discrimination and retaliation in the face of American's proffered legitimate, nonpretextual claim that Sherrod was ineligible for rehire. In the instant

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

case, the district court found that Sherrod had failed to create a fact issue that American's declaration that she was not eligible for rehire was a pretext for discrimination, and that our final determination in Sherrod I, that American did not discriminate when it declared Sherrod ineligible for rehire, collaterally estopped her present attack on the same legitimate, nonpretextual basis for American's complained of act in the instant case. We agree, and affirm essentially for the reasons set forth in Judge Fitzwater's succinct and cogent memorandum and order dated April 1, 1998. AFFIRMED.