

October 7, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20182
Summary Calendar

MARTIN BANDA,

Plaintiff-Appellant,

versus

FEDERAL EXPRESS CORPORATION, INC.

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
Houston Division

(USDC No. 4:02-CV-1626)

Before JONES, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

On May 8, 2002, Martin Banda ("Plaintiff") filed his original complaint against Federal Express Corporation ("Fed Ex") seeking recovery for "national origin discrimination." On August 19, 2003, the district court granted partial summary judgment to Fed Ex on various of the claims asserted by Plaintiff. On March 3, 2004, the district court granted partial summary judgment to Fed Ex on additional grounds asserted by Plaintiff. On February 3, 2005, the district court granted Fed Ex's third motion for summary judgment

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

on the basis of judicial estoppel. That order disposed of all claims of Plaintiff. Plaintiff appealed from the final judgment entered on February 3, 2005.

We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record itself. For the reasons stated by the district court in its Memorandum and Order entered February 3, 2005, we affirm the final judgment entered contemporaneously therewith, dismissing all of Plaintiff's claims with prejudice.

AFFIRMED.