

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41435  
Summary Calendar

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ANA MARIE VELA,

Plaintiff-Appellant,

versus

CITY OF CORPUS CHRISTI, TEXAS; CORPUS CHRISTI  
FIRE DEPARTMENT; CORPUS CHRISTI FIRE FIGHTERS  
ASSOCIATION, LOCAL 936; CORPUS CHRISTI FIRE  
FIGHTERS ASSOCIATION SELF FUNDED DENTAL FUND,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-97-CV-0034  
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April 7, 2000

Before JOLLY, JONES and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Appellant Ana Marie Vela ("Vela") appeals from an adverse summary judgment dismissing her complaint alleging employment discrimination against appellees Corpus Christi Fire Fighters Association Local 936 ("the Fire Fighters Association") and Corpus Christi Firefighters Association Self Funded Dental Fund ("the Dental Fund"). The City of Corpus Christi, Texas and its

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

fire department were dismissed from the complaint without prejudice and are not parties to the appeal.

The summary judgment proof conclusively established that Vela was not a firefighter or a member of the Fire Fighters Association. The evidence further demonstrated that neither the Fire Fighters Association nor the Dental Fund employ more than one person apiece. Vela presented no summary judgment evidence in response to the appellees's motion for summary judgment. As the evidence indisputably leads to the conclusion that neither the Fire Fighters Association nor the Dental Fund is Vela's employer for purposes of Title VII, Vela's arguments on appeal are wholly without merit. For the reasons set forth in the order of the Magistrate Judge granting the motion for summary judgment dated October 27, 1998, the judgment of the district court is affirmed.

AFFIRMED.