

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50669
Summary Calendar

RAMON C. NOCHES,

Plaintiff-Appellant,

versus

TEXAS HEALTH AND HUMAN SERVICES COMMISSION,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
(A-97-CV-577)

January 27, 1999

Before KING, Chief Judge, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Ramon Noches appeals the adverse summary judgment in his Title VII action against the Texas Health and Human Services Commission (Texas HHS).

We review a district court's grant of summary judgment *de novo*, applying the same standard as the district court. *E.g.*, ***OHM Remediation Services v. Evans Cooperage Co., Inc.***, 116 F.3d 1574, 1579 (5th Cir. 1997). Summary judgment is appropriate where "there is no genuine issue of material fact and ... the moving party is entitled to judgment as a matter of law". FED. R. CIV. P. 56(c).

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Noches asserts that his termination by Texas HHS, ostensibly part of a reduction in force, was because of his race; that a claimed poor job reference was retaliation for his filing a complaint about workplace discrimination; and that he suffered disparate treatment while on the job. Pursuant to our *de novo* review of the record and our review of the briefs, summary judgment is proper, essentially for the reasons stated by the district court. See **Noches v. Texas Health and Human Services Commission**, No. A-97-CA-577-SS, slip op. (W.D.Tex. May 26, 1998).

AFFIRMED