

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40180
Summary Calendar

NORMA LEE GARZA

Plaintiff - Appellant,

V.

TEXAS DEPARTMENT OF HEALTH

Defendant - Appellee.

Appeal from the United States District Court for the
Southern District of Texas
(M-98-CV-6)

April 10, 2000

Before DAVIS, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

Plaintiff, a Hispanic female, filed this Title VII action and complains that Defendant-Appellee Texas Department of Health ("TDH") discriminated against her in hiring an Anglo male.

The district court granted summary judgment in favor of TDH. The district court held that, although Plaintiff did establish a prima facie case of discrimination, the Defendant offered legitimate, non-discriminatory reasons for the hiring of the Anglo male. The district court further held that Plaintiff failed to show either that the hiring process was discriminatory

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

or that the reasons for the hire were pretextual.

After reviewing the record we agree with the district court that, although Plaintiff made out a prima facie case, the Defendant proffered non-discriminatory reasons for hiring the Anglo male. Plaintiff failed to produce evidence that refuted those reasons. We AFFIRM the district court's grant of summary judgment in favor of Defendant.