

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 4, 2012

No. 12-20497
Summary Calendar

Lyle W. Cayce
Clerk

JORGE LOPEZ,

Plaintiff-Appellant,

v.

CONTINENTAL AIRLINES,

Defendant-Appellee.

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CV-1110

Before WIENER, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:*

Jorge Lopez, proceeding *pro se*, appeals the district court's grant of summary judgment on his age-discrimination, disability-discrimination, and breach-of-contract claims against his former employer, Continental Airlines, Inc. ("Continental"). We AFFIRM.

Upon the magistrate judge's recommendation, the district court determined that: (1) Lopez could not recover under the Age Discrimination in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Employment Act because he failed to exhaust administrative remedies; (2) Lopez could not recover under the Americans with Disabilities Act because he failed to demonstrate a genuine issue of material fact that (a) he was disabled, and (b) Continental's reason for his termination was pretextual; and (3) Lopez could not recover for breach of contract because he was an at-will employee. For these reasons, it granted summary judgment on all of Lopez's claims.

Although we "liberally construe" the filings of *pro se* litigants and "apply less stringent standards to parties proceeding *pro se* than to parties represented by counsel," *pro se* appellants "must still brief the issues and reasonably comply with the standards of Rule 28." *Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995). The appellant's brief must include an argument that contains his "contentions and reasons for them, with citations to the authorities and parts of the record on which appellant relies." Fed. R. App. P. 28(a)(9). Arguments not adequately argued in the body of the brief are deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). This court may, however, consider a noncompliant brief when doing so does not prejudice the opposing party. *Price v. Digital Equip. Corp.*, 846 F.2d 1026, 1028 (5th Cir. 1988).

Lopez's generally incoherent appellate brief does not comply with Rule 28; nevertheless, Continental addresses the relevant issues on appeal. Thus, we find no prejudice and perform a *de novo* review of the district court's summary judgment. *See Holt v. State Farm Fire & Cas. Co.*, 627 F.3d 188, 191 (5th Cir. 2010) (noting that "we review a district court's grant of summary judgment *de novo*"). After consideration of the record on appeal, we agree with the district court that Lopez fails to present a genuine issue of material fact on all of his claims. For essentially the reasons stated by the district court, the summary judgment is AFFIRMED.