

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-16517

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCT 16, 2006 THOMAS K. KAHN CLERK

D. C. Docket No. 04-01161 CV-F-N

BONNIE STEPHENS,

Plaintiff-Appellant,

versus

REGIONS BANK,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Alabama

(October 16, 2006)

Before ANDERSON and DUBINA, Circuit Judges.*

PER CURIAM:

* Judge C. Roger Vinson recused before the decision in this case. This opinion is entered by a quorum. 28 U.S.C. § 46(d).

We can assume, arguendo, that Stephens has established a prima facie case with respect to gender discrimination, age discrimination, and discrimination under ERISA, but we conclude that no reasonable jury could find discrimination or illegal action on the part of the bank in light of the strength of the bank's legitimate non-discriminatory reasons for firing Stephens. Although these reasons include two previous incidents that warranted discipline, the primary reason for the bank's action was Stephens' conduct on November 7, 2003. On that date, she sent a customer a copy of the customer's credit report, knowing that such action was in violation of the bank's policies, and, even more significant, knowing that it was in direct contravention of an instruction issued by Stephens' immediate supervisor immediately prior to Stephens' action.

Accordingly, the judgment of the district court is

AFFIRMED.