

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-11989  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT April 9, 2008 THOMAS K. KAHN CLERK
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D.C. Docket No. 05-01658-CV-GET-1

MAHMOUD RASHAD,

Plaintiff–Appellant,

versus

FULTON COUNTY, GEORGIA,

Defendant–Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Georgia  
\_\_\_\_\_

**(April 9, 2008)**

Before BARKETT and FAY, Circuit Judges, and ANTOON,\* District Judge.

PER CURIAM:

Mahmoud Rashad appeals an adverse summary judgment in favor of his employer, Fulton County, on his claims of religious discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2(a), 3(a).

Upon review of the record, and upon consideration of the briefs and oral argument of the parties, we conclude that the district court did not err in granting summary judgment to Fulton County on Rashad's religious discrimination claim. However, we reverse as to his retaliation claim. The district court found that Rashad had established facts sufficient to support his prima facie case of retaliation; however, the court found that Rashad could not point to sufficient evidence rebutting Fulton County's proffered reason for terminating him. We find evidence in the record from which a reasonable trier of fact could conclude that Fulton County's proffered reason for terminating Rashad—insubordination—was merely pretextual. Thus, summary judgment on the retaliation claim was erroneous.

**AFFIRMED IN PART, REVERSED AND REMANDED IN PART.**

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\* Honorable John Antoon II, United States District Judge for the Middle District of Florida, sitting by designation.