

United States Court of Appeals  
Fifth Circuit

**FILED**

June 21, 2007

Charles R. Fulbruge III  
Clerk

**IN THE UNITED STATES COURT OF APPEALS**

**FOR THE FIFTH CIRCUIT**

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No. 06-40722

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LABOBBIE JEAN DARDEN;

TYRONIA SHAWNTEL MONTGOMERY

Plaintiffs-Appellees-Cross-Appellants,

versus

E-Z MART STORES, INC., ET AL

E-Z MART STORES, INC.

Defendants-Appellant-Cross Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas, Marshall Division

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Before JOLLY, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:\*

AFFIRMED. *See* 5<sup>TH</sup> CIR. R. 47.6.

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.