

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 21, 2007

No. 07-50819
Summary Calendar

Charles R. Fulbruge III
Clerk

RICHARD ARIZPE,

Plaintiff-Appellant,

v.

MARY E. PETERS,
Secretary, United States Department of Transportation,
Federal Aviation Administration;
CARI M. DOMINGUEZ,
Chairwoman, United States Equal Employment Opportunity Commission,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
No. 5:06-CV-563

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Richard Arizpe sued under title VII and the Age Discrimination in Employment Act. As the magistrate judge stated,

[Plaintiff] is obviously upset with the circumstances surrounding his employment with defendant, as evidenced by the lawsuits he filed in 1998 and 2002 against the Department of Transportation and Federal Aviation Administration [footnote omitted]. Plaintiff's conclusory allegations and legal conclusions masquerading as factual conclusions, however, cannot suffice to prevent defendant's motion to dismiss in this case.

After reviewing the briefs and pertinent parts of the record and the applicable law, we affirm, essentially for the reasons stated by the magistrate judge in her comprehensive Report and Recommendation signed on January 12, 2007. We also conclude that Arizpe's argument that the district court's ruling is legally invalid because it listed Maria Cino as Acting Secretary of Transportation, rather than Mary Peters as Secretary of Transportation, is frivolous. See FED. R. CIV. P. 25(d) ("[A]ny misnomer not affecting the parties' substantial rights must be disregarded."). Arizpe's other arguments are equally unavailing.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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