

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

United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2010

Lyle W. Cayce  
Clerk

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No. 09-11051  
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J. MARK JONES,

Plaintiff-Appellant,

versus

CVS PHARMACY, INC.,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
No. 3:07-CV-1383  
\_\_\_\_\_

Before SMITH, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Mark Jones sued CVS Pharmacy, Inc., under title VII of the Civil Rights Act of 1964, for retaliation and for other claims not relevant to this appeal. Jones appeals a summary judgment that was granted to the company on the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 09-11051

ground that Jones had not shown a causal link between the protected activity (reporting the sexual advances of former supervisors) and any adverse employment actions, including, ultimately, termination.

We have read the briefs and pertinent portions of the record and have reviewed the applicable law. After hearing oral argument, we conclude there is no reversible error. As the district court determined, the company provided legitimate justifications for its actions, taken in large part because of Jones's many incidents of misconduct and inadequate performance. Jones failed to offer evidence creating a genuine issue of material fact as to whether his former employer's justifications were pretextual.

The judgment is AFFIRMED.