

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

United States Court of Appeals
Fifth Circuit

FILED

March 26, 2010

No. 09-20476
Summary Calendar

Charles R. Fulbruge III
Clerk

JULIE CYPROW

Plaintiff - Appellant

v.

TEX. DEPT. OF PUBLIC SAFETY, ET AL

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:07-CV-3045

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

In this employment discrimination/retaliation case, the plaintiff-appellant, Julie Cyprow, challenges the district court's summary judgment in favor of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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defendant-appellee, Sgt. Torres,¹ arguing that genuine issues of material fact were presented.

We have carefully reviewed the summary judgment record, including the abundant evidence of customer and co-worker complaints regarding the appellant's rude and unprofessional conduct toward the patrons and employees of the South Gessner Driver License Office—both before and after Sgt. Torres became the appellant's supervisor. We find no genuine issue of material fact and agree with the district court that the appellant's rude, unprofessional conduct was the reason for her termination, rather than any discriminatory or retaliatory intent on the part of her immediate supervisor, Sgt. Torres.

For these reasons and the reasons stated by the district court in its careful opinion dated June 17, 2009, we affirm the district court's judgment.

¹ Initially the plaintiff-appellant brought suit against her former employer, the Texas Department of Public Safety, and supervisors, Sgt. Torres and Captain Norma Garza-Jennings. However, on appeal, the appellant argues only that the district court erred in dismissing Sgt. Torres.