

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

United States Court of Appeals
Fifth Circuit

FILED

January 11, 2010

Charles R. Fulbruge III
Clerk

No. 09-60395

Summary Calendar

SCOTT ANDERSON,

Plaintiff - Appellant

v.

OFFICE DEPOT INC,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:08-CV-288

Before REAVLEY, DAVIS, and HAYNES, Circuit Judges.

PER CURIAM:*

The issues appellant raises do not reach the controlling disposition of this case. That is whether plaintiff-appellant presented any evidence, direct or circumstantial, that his discharge was motivated by racial discrimination on the part of the defendant. The district judge correctly ruled that whether the defendant discharged the plaintiff for using what could be a racial slur, of itself, was not evidence of defendant's discrimination.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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