

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

United States Court of Appeals
Fifth Circuit

FILED

August 1, 2013

No. 11-10338

Lyle W. Cayce
Clerk

NAIEL NASSAR, MD,

Plaintiff-Appellee Cross-Appellant

v.

UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER,

Defendant-Appellant Cross-
Appellee

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 3:08-CV-1337

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:*

A jury previously found in favor of Plaintiff Dr. Naiel Nassar on claims brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, for constructive discharge and retaliation. This court vacated in part and affirmed in part the district court’s judgment, and we remanded for a recalculation of damages. We rejected the Defendant’s argument that 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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district court erroneously instructed the jury on a mixed-motive theory of retaliation.

The Supreme Court granted certiorari, vacated, and remanded this case for further consideration because Title VII retaliation claims must be proved according to principles of but-for causation rather than the mixed-motive test. We therefore VACATE the district court's judgment in its entirety and REMAND for further proceedings consistent with the opinion of the Supreme Court.