

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

LEAH K. MOORE,

Plaintiff,

v.

ANIMAL HEALTH  
INTERNATIONAL, INC.,

Defendant.

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CIVIL ACTION NO. 2:18-CV-12-Z-BR

**ORDER ADOPTING MAGISTRATE JUDGE’S FINDINGS AND CONCLUSIONS**

On June 21, 2019, the United States Magistrate Judge entered findings and conclusions on Defendant’s Motion for Summary Judgment (ECF 31). The Magistrate Judge RECOMMENDS that Defendant’s motion (ECF 31) be GRANTED. No objections to the findings, conclusions, and recommendation have been filed. After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the Magistrate Judge, the Court concludes that the findings and conclusions are correct.

When a plaintiff brings a discrimination claim based on circumstantial evidence, he “must first demonstrate a prima facie case [for the prohibited discrimination], and then the burden of production shifts to the defendant to proffer a legitimate, non[-]discriminatory reason for its action. If it does that, the presumption of discrimination disappears. The plaintiff . . . must then produce substantial evidence indicating that the proffered legitimate non[-]discriminatory reason is a pretext . . . .”


*Vess v. MTD Consumer Grp., Inc.*, 755 Fed. App’x 404, 407 (5th Cir. 2019) (citing *Outley v. Luke & Assocs., Inc.*, 840 F.3d 212, 216 (5th Cir. 2016)). Here, Plaintiff failed to produce substantial

evidence that Defendant's proffered legitimate non-discriminatory reason for terminating her was a pretext.

It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED. Defendant's Motion for Summary Judgment (ECF 31) is GRANTED.

**SO ORDERED.**

SIGNED October 3, 2019.



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MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE