

164 Fed.Appx. 505

This case was not selected for publication in the Federal Reporter.

Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Fifth Circuit Rules 28.7, 47-5.3, 47-5.4. (Find CTA5 Rule 28 and Find CTA5 Rule 47)
United States Court of Appeals,
Fifth Circuit.

Roland PERKINS, Plaintiff-Appellee,

v.

CITY OF BATON ROUGE et al, Defendants,
Pat Bonanno, Bobby Achord, and John Lawton, Defendants-Appellants.

No. 04-30984. Decided Jan. 26, 2006.

Attorneys and Law Firms

[Dennis R. Whalen](#), Baton Rouge, LA, for Plaintiff-Appellee.

Henry Dupont Heck Olinde, Jr., [Cade Aaron Evans](#), Simoneaux, Carleton, Dunlap & Olinde, Baton Rouge, LA, for Defendants-Appellants.

Appeal from the United States District Court for the Middle District of Louisiana (USDC No. 3:01-cv-87-B).

Before [REAVLEY](#), [DAVIS](#), and [WIENER](#), Circuit Judges.

Opinion

PER CURIAM:*

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Reviewing the summary judgment order de novo, we reverse the magistrate judge's order with respect to race discrimination for the following reasons:

- *506 1. In denying summary judgment on the race discrimination claim, the magistrate judge's order cites to two pages of the Bonanno deposition establishing that the individual defendants had supervisory authority over the plaintiff. There is no citation to evidence showing dissimilar treatment based on race.
2. In his brief, the appellee cites to the affidavit of Clarence Gooding. Previously, Gooding joined with Perkins in filing a complaint with the EEOC. In his affidavit, Gooding explains that he believes night service duty was added to his warrant serving responsibilities "in retaliation for having filed the EEOC complaint." Gooding does not explain how, or if, any Caucasian officers were exempted from this new responsibility.
3. After reviewing the record de novo, the court does not see evidence of race discrimination. Appellants were entitled to summary judgment.

Reversed and Remanded.

Parallel Citations

2006 WL 197339 (C.A.5 (La.))

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