

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-14550
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEBRUARY 1, 2007 THOMAS K. KAHN CLERK

DOJ No. OCAHO-05B00028

DANIEL OJEDA-OJEDA,
ALFREDO GONZALEZ-GONZALEZ,
et al.,

Petitioners,

versus

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER,
et al.,

Respondents.

Petition for Review of a Decision of the
Department of Justice

(February 1, 2007)

Before DUBINA, BLACK and MARCUS, Circuit Judges.

PER CURIAM:

This appeal concerns a complaint brought by petitioners, who are 17 residents of Puerto Rico, against respondents, Booth Farms, L.P., alleging discrimination on the basis of citizenship. Complainants traveled from Puerto Rico to the State of Georgia in September 2003 to work for Booth Farms under a contract approved by the United States Department of Labor. Complainants allege that Booth Farms discriminated against them and terminated their employment. Larry Booth (“Booth”) responded to the complainants’ allegations with a *pro se* letter, indicating a general denial on behalf of his company, Booth Farms.¹

After reviewing the record, including the final order on summary disposition entered on June 28, 2006, as well as all subsidiary orders entered in this cause, and the petitioners’ brief, we conclude that the reasons Booth gave for terminating petitioners were not a pretext for discrimination. It is evident to us from the record that Booth terminated the complainants’ employment due to poor performance. Specifically, the Puerto Rican petitioners were not as productive as the Mexican workers. Because petitioners have failed to demonstrate that Booth’s reasons for terminating them were pretextual, or otherwise demonstrated that he

¹ We also observe from the record that respondents, for whatever reason, did not file a brief in response to the petition for review.

acted with the intent to discriminate against them on the basis of their citizenship status, we deny the petition for review.

PETITION DENIED.