

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
MISSISSIPPI, ABERDEEN DIVISION

Thomas Billups v. Louisville Municipal School District

Billups v. Louisville Municipal School District, Civil Action No. 1:24-CV-74-SA-DAS (N.D. Miss. Mar. 31, 2026) · No. 1:24-CV-74-SA-DAS · Decided March 31, 2026

SUMMARY

The document is an order and memorandum opinion from the United States District Court for the Northern District of Mississippi addressing Louisville Municipal School District’s motion for summary judgment in an Age Discrimination in Employment Act failure-to-hire case. Thomas Billups, a 71-year-old basketball coach, alleges that the school district failed to hire him because of his age and relies in part on age-related comments attributed to an athletic director. The court analyzes direct and circumstantial evidence, the McDonnell Douglas framework, the prima facie case, legitimate nondiscriminatory reasons, and pretext.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                        |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Mississippi, Aberdeen Division                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Sharion Aycock                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Northern District of Mississippi, Aberdeen Division                                                                                                                                                                                                                               |
| DECIDED               | March 31, 2026                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 1:24-CV-74-SA-DAS                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Plaintiff brought an age-discrimination failure-to-hire claim under the ADEA. Defendant moved for summary judgment.                                                                                                                                                                                                    |
| STANDARD OF REVIEW    | Summary judgment is appropriate when the evidence reveals no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court viewed the evidence and reasonable inferences in the light most favorable to the nonmoving party and did not make credibility determinations. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                            |
| PARTIES               | Thomas Billups v. Louisville Municipal School District                                                                                                                                                                                                                                                                 |

## TOPICS

age discrimination

employment discrimination

summary judgment

civil procedure

## PRACTICE AREAS

employment law

employment discrimination

age discrimination

civil procedure

## QUESTIONS PRESENTED

1. Whether Billups produced sufficient evidence to establish a prima facie ADEA failure-to-hire claim.
2. Whether the alleged age-related comments by the athletic director constituted direct evidence of discrimination.
3. Whether the athletic director's comments constituted circumstantial evidence of discriminatory animus because he had influence or leverage over the hiring decision.
4. Whether evidence that the district deviated from its internal hiring policy, considered Billups's application, and relied on age-related comments created a genuine dispute that the district's stated reasons were pretextual.
5. Whether the district was entitled to summary judgment on Billups's ADEA claim.

## HOLDINGS

1. The athletic director's age-related comments were not, standing alone, direct evidence sufficient to defeat summary judgment because Billups could not show that the athletic director had formal authority over the hiring decision.
2. Billups produced sufficient summary-judgment evidence to create a fact question as to whether the district was seeking applicants and whether he submitted a valid application, thereby establishing a prima facie failure-to-hire case for summary-judgment purposes.
3. The district satisfied its burden of producing legitimate, nondiscriminatory reasons for not hiring Billups by asserting that it considered internal employees and that McCurry was the most qualified candidate.
4. Billups raised a genuine dispute of material fact as to whether the district's stated reasons were pretextual, precluding summary judgment on his ADEA claim.

## KEY QUOTATIONS

*“Direct evidence is evidence that, if believed, proves the fact of discriminatory animus without inference or presumption.”* (Direct Evidence section)

*“The Court finds that Billups has created a question of fact as to pretext in whether his age was the reason he was not hired by LMSD.”* (Conclusion)

## FACTUAL BACKGROUND

Thomas Billups, age 70 when he applied and 71 when the action was filed, had extensive basketball-coaching experience, including multiple state championships. After learning that Louisville High School's boys basketball

coaching position would become available, he submitted an online application, delivered a resume, and expressed interest to the principal. The school district hired James McCurry, age 34, without interviewing Billups; McCurry was the only candidate interviewed. A district athletic director allegedly stated that Billups was too old and should perhaps retire, while the district maintained that it prioritized internal candidates and that McCurry was better suited for the position.

## PROCEDURAL HISTORY

Billups filed the action on April 19, 2024, after filing an EEOC charge and receiving a right-to-sue letter on January 25, 2024. Following disqualification of his original counsel, Billups obtained new counsel and filed corrected and supplemental briefing. The court denied the school district's motion for summary judgment and allowed the ADEA claim to proceed to trial.

## DISPOSITION

other

## CASES CITED

- Nabors v. Malone, 2019 WL 2617240, at \*1 (N.D. Miss. June 26, 2019)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Waste Management of Louisiana, LLC v. River Birch, Inc., 920 F.3d 958, 964 (5th Cir. 2019)
- Reingold v. Swiftships, Inc., 126 F.3d 645, 646 (5th Cir. 1997)
- TIG Insurance Co. v. Sedgewick James of Washington, 276 F.3d 754, 759 (5th Cir. 2002)
- Moss v. BMC Software, Inc., 610 F.3d 917, 922-23 (5th Cir. 2010)
- Gross v. FBL Financial Services, Inc., 557 U.S. 167, 180 (2009)
- Portis v. First National Bank of New Albany, 34 F.3d 325, 328 (5th Cir. 1994)
- Trans World Airlines, Inc. v. Thurston, 469 U.S. 111, 121 (1984)
- Brown v. East Mississippi Electric Power Association, 989 F.2d 858, 861 (5th Cir. 1993)
- Jackson v. Cal-Western Packaging Corp., 602 F.3d 374, 380 (5th Cir. 2010)
- Rubinstein v. Administrators of the Tulane Educational Fund, 218 F.3d 392, 400-01 (5th Cir. 2000)
- Goudeau v. National Varco, L.P., 793 F.3d 470, 475-76 (5th Cir. 2015)
- Squyres v. Heico Co., L.L.C., 782 F.3d 224, 236 (5th Cir. 2015)
- Russell v. McKinney Hospital Venture, 235 F.3d 219, 226-29 (5th Cir. 2000)
- Reed v. Neopost USA, Inc., 701 F.3d 434, 441-42 (5th Cir. 2012)
- McDaniel v. National Railroad Passenger Corp., 705 F. App'x 240, 245 (5th Cir. 2017)
- Haas v. ADVO Systems, Inc., 168 F.3d 732, 733 (5th Cir. 1999)
- Berquist v. Washington Mutual Bank, 500 F.3d 344, 349 (5th Cir. 2007)
- Turner v. Kansas City Southern Railway Co., 675 F.3d 887, 901 (5th Cir. 2012)
- Heinsohn v. Carabin & Shaw, P.C., 832 F.3d 224, 236-37 (5th Cir. 2016)
- Bennett v. Consolidated Gravity Drainage District No. 1, 648 F. App'x 425, 430-31 (5th Cir. 2016)

- *McMichael v. Transocean Offshore Deepwater Drilling, Inc.*, 934 F.3d 447, 459 (5th Cir. 2019)
- *Deines v. Texas Department of Protective & Regulatory Services*, 164 F.3d 277, 280-81 (5th Cir. 1999)
- *Martinez v. Texas Workforce Commission-Civil Rights Division*, 775 F.3d 685, 688 (5th Cir. 2014)
- *Celestine v. Petroleos de Venezuela SA*, 266 F.3d 343, 357 (5th Cir. 2001)
- *Burrell v. Dr Pepper/Seven Up Bottling Group, Inc.*, 482 F.3d 408, 412 n.11 (5th Cir. 2007)
- *Palasota v. Haggard Clothing Co.*, 342 F.3d 569, 572-78 (5th Cir. 2003)
- *Amburgey v. Corhart Refractories Corp.*, 936 F.2d 805, 813 (5th Cir. 1991)

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