

June 3, 2005

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 04-41456

TERRI L CARLSON,

Plaintiff-Appellant,

versus

THOMAS E WHITE, Secretary of the Army,

Defendant-Appellee.

Appeal from the United States District Court
For the Southern District of Texas
USDC No. 3:02-CV-33

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Terri L. Carlson appeals the district court's orders granting a motion to dismiss and a motion for summary judgment. In her complaint, Carlson alleged that: (1) she was denied access to family medical leave in violation of the Family Medical Leaves Act ("FMLA"); (2) she was denied accommodation in violation of the Americans with Disabilities Act ("ADA"); and (3) she was denied

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

promotion and training because of her sex. The district court properly dismissed these claims. Federal employees with more than twelve months of service do not have a private right of action for FMLA violations. *See* U.S.C. 5 U.S.C. § 6381 - 6387. Carlson is precluded from bringing her ADA claim because she had already brought a claim through a “negotiated grievance procedure.” *See* 29 C.F.R. § 1614.301(a). Finally, Carlson’s Title VII claims fail because she failed to exhaust her administrative remedies. *See Randel v. United States Department of the Navy*, 157 F.3d 392, 395 (5th Cir. 1998) (citing *Brown v. Gen. Serv. Admin.*, 425 U.S. 820, 832 (1976)).

Accordingly, the orders granting a motion to dismiss and summary judgment are **AFFIRMED**.