

May 11, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30662
Summary Calendar

EMMA W. MCDONALD,

Plaintiff-Appellant,

versus

BELLSOUTH TELECOMMUNICATIONS, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CV-1326

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Appellant Emma McDonald brought discrimination claims against Appellee Bellsouth Telecommunications, Inc. McDonald filed her lawsuit on the last day before the limitations period for her claims expired. McDonald did not have service made on Appellee. Under threat of dismissal for failure to prosecute she ultimately had service made. McDonald did not appear for a noticed deposition. There were no objections filed to the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

notice. Counsel for Appellee traveled to the out of state deposition only to be subjected to McDonald's failure to appear. McDonald was then ordered to appear for deposition. She did not appear although aware of the order to appear for deposition. McDonald now complains of the dismissal of her claim for failure to comply with the court's orders. We find no merit in her claims that the district court abused its discretion in dismissing her claims. The record reflects a willful and intentional disregard of required appearances for depositions in McDonald's own lawsuit. No abuse has been shown. We find her argument meritless and her authority inapposite. The judgment of the district court is AFFIRMED.