

FILED

September 13, 2004

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 04-30341
(Summary Calendar)

SHANNON A. DARDAR,

Plaintiff-Appellant,

versus

JOHN E. POTTER, Postmaster General, United States Postal
Service; UNITED STATES OF AMERICA,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 02-CV-3802-K

Before EMILIO M. GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Appellant Sophia A. Dardar (“Dardar”) appeals the district court’s order granting defendants’ motion to dismiss and alternatively for summary judgment. We find that the appellant does not have standing to sue under Title VII, 42 U.S.C. 2000(e), because she has failed to establish a genuine issue

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of material fact disputing her status as an independent contractor of the United States Postal Service. *Mares v. Marsh*, 777 F.2d 1066, 1067-69 (5th Cir. 1985). Similarly, we find her claims for intentional infliction of emotional distress are barred by the sovereign immunity afforded to the United States of America under the Federal Tort Claims Act. 28 U.S.C. § 2680. Finally, we agree with the district court's assessment that only the Federal Court of Claims has exclusive jurisdiction over appellants breach of contract claim. 28 U.S.C. § 1346.

Accordingly, we AFFIRM the district court's judgment.