

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 18, 2007

Charles R. Fulbruge III
Clerk

No. 07-30465
Summary Calendar

ELIZABETH ORPHEY,

Plaintiff-Appellant,

v.

JEFFERSON PARISH HOSPITAL DISTRICT NO. 1,
Doing Business as West Jefferson Medical Center,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
No. 2:06-CV-11257

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges..

PER CURIAM:*

Elizabeth Orphey appeals the dismissal of her employment discrimination

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

suit as time-barred. She acknowledges that she had 90 days from September 22, 2006, in which to sue; she sued on December 22, 2006, which was the 91st day. Her only justification for avoiding the 90-day bar is that Thanksgiving Day, which occurred during the 90-day period, should not be counted.

There is no legal support for Orphey's position. The 90-day provision is strictly construed, and Orphey does not contend otherwise. See *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 379 (5th Cir. 2002) (suit filed three days late); *Ringgold v. Nat'l Maint. Corp.*, 796 F.2d 769, 770 (5th Cir. 1986) (per curiam) (two days late); *Espinoza v. Mo. Pac. R.R.*, 754 F.2d 1247, 1251 (5th Cir. 1985) (same). There is no provision for excluding holidays that fall within the period of days to be counted.

The judgment of dismissal is AFFIRMED.