

April 1, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 04-51168  
Summary Calendar

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MELISSA C. TAYLOR,

Plaintiff-Appellant,

versus

JOHN E. POTTER, Postmaster General,  
United States Postal Service,

Defendant-Appellee.

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Appeal from the United States District Court for  
the Western District of Texas  
(USDC No. 7:03-CV-142)

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Before REAVLEY, JOLLY, HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

The district court correctly dismissed Taylor's appeal of the Department of Labor's disability determination because such a determination is not subject to judicial review. 5 U.S.C. § 8128(b)(2); see Concordia v. U.S.P.S., 581 F.2d 439, 443 (5th Cir.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1978). Taylor has failed to show that the Department of Labor violated a clear statutory mandate and she raises no constitutional claim not suitable for determination in an administrative setting. See Woodruff v. United States, 954 F.2d 634, 639 (11th Cir. 1992). Taylor is also prohibited from alleging disability discrimination in violation of the Rehabilitation Act in order to secure judicial review of the Department of Labour's determination. See Meester v. Runyon, 149 F.3d 855, 857 (8th Cir. 1998). AFFIRMED.