

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-60061  
Summary Calendar

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MARYLYN R LEPRE,

Plaintiff-Appellant,

versus

FRESENIUS MEDICAL CARE - NORTH AMERICA,  
doing business as South Mississippi Kidney Center -  
Biloxi; BIO-MEDICAL APPLICATIONS OF MISSISSIPPI, INC,  
doing business as South Mississippi Kidney Center -  
Biloxi; JEFF MCPHERSON; RILEY B MCILWAIN, JR; POMPOSA CALHOUN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:98-CV-283-GR  
- - - - -

October 6, 2000

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Appellant Marylyn R. Lepre initially filed suit in Mississippi state court alleging discrimination under Title VII, 42 U.S.C. §§ 2000e, *et seq.* and 42 U.S.C. § 1981, and various state law claims

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

based on her contention that she was wrongfully terminated as well as a claim of retaliatory discharge for filing Mississippi worker's compensation. The case was removed to federal court and her motion to remand was denied. The district court subsequently dismissed her federal and state law claims.

On appeal to this Court, she complains of error in the district court's denial of her motion to remand, the failure of the district court to allow her additional time before granting summary judgment, and the district court's dismissal of her various causes of action. We find no merit in any of appellant's contentions.

Her original pleading in state court on its face sought relief pursuant to Title VII of the Civil Rights Act of 1964 as well as relief under 42 U.S.C. § 1981. The district court did not err in refusing to remand her claims to Mississippi state court. We affirm the denial of remand for the reasons stated by the district court in its order dated July 27, 1999.

Neither did the district court err in not postponing its determination of the summary judgment motion. The appellant had more than adequate time to respond to the motion for summary judgment and did not show in the district court why it needed additional time to file a further response. Indeed, appellant failed to file a motion pursuant to Rule 56(f) of the Federal Rules of Civil Procedure seeking any delay in consideration of the motion on its merits.

Finally, with respect to the disposition of appellant's

claims, the district court correctly granted summary judgment and we affirm the grant of summary judgment essentially for the reasons set forth in the order of the district court dated December 20, 1999. The appellee's motion to strike the rebuttal brief is DENIED.

Accordingly, the judgment is in all things AFFIRMED.