

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40522
Summary Calendar

WILLIAM K., Individually and as next friend of
C. K., a minor child,

Plaintiff-Appellant,

versus

HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT;
ET AL.,

Defendants,

HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-00-CV-125

February 26, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

William K. ("William"), next friend of C. K., a minor child, appeals the magistrate judge's dismissal of his complaint for failure to exhaust the administrative remedies required under the Individuals with Disabilities Education Act ("IDEA").

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

William first argues that the decision of the Texas Education Agency ("TEA") Hearing Officer on November 7, 2000, dismissing his case was a final ruling, and, therefore, the magistrate judge erred in finding that he failed to exhaust the administrative remedies under the IDEA. This argument is unavailing because William's complaint was filed on August 14, 2000, and then amended on August 29, 2000; therefore William's argument regarding the Hearing Officer's November 7, 2000, dismissal of his complaint will not be entertained. See FED. R. CIV. P. 15 (a)&(c).

William argues that the IDEA's administrative remedies were futile or inadequate because two TEA hearing officers ruled that he would not be allowed to videotape the evaluation of C. K. William has failed to demonstrate that the administrative remedies required under the IDEA were futile or inadequate. See Gardner v. School Bd. Caddo Parish, 958 F.2d 108, 111-12 (5th Cir. 1992). The judgment is AFFIRMED.